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THE LOUISIANA CONSTITUTIONAL CONVENTIONS OF 1913 AND 1921

THEODORE G. GRONERT

University of Arkansas

Louisiana, since its admission to statehood, has had nine constitutions, a number that constitutes a record equalled by few other states for the same period of time. The three constitutions before the Civil War can be explained by noting that the first, that of 1812, was the original constitution; the second, adopted in 1845, represented the attempt of the Jacksonian element to control banks and corporations in general,¹ while the convention of 1852 attempted to undo some of the work of the convention of 1845, and offer encouragement to the development of banking, corporations, and internal improvements.

Since 1860 Louisiana has had six constitutions, two of which, adopted in 1864 and 1868, were reconstruction constitutions and were important largely because of the effect they had in causing many of the restrictions that were incorporated into later constitutions.

¹The Constitution of 1845 provided in Article 122: "No corporate body shall hereafter be created, renewed, or extended with banking or discounting privileges."

Article 123 provided that private corporations must be created under general law, and shall in no case be created for a term of more than twenty-five years. Article 124 provided that any charter heretofore granted could be revoked in 1890.

The first constitution after the Reconstruction Period, adopted in 1879, reflects the spirit of distrust that the reconstruction governments created in the minds of the people. Legislative action was limited, powers were generally, as far as possible, reserved to the people; and the limitations on the powers of taxation made adequate development of education and public improvements impossible. And the limitations of the constitution of 1879 are reflected in the constitutions of 1898 and 1913, for the two latter were not constitutions in the real sense of the word but only a species of glorified amendment.

As the President of the Convention of 1913 stated in his opening address, "The constitution of 1879, Gentlemen of the Convention, has lasted until this day, notwithstanding the fact that a new constitution was adopted in 1898—fifteen years ago. I say it has lasted until today for the reason that the constitution of 1898 operated under restricted powers, as is the case with this convention; and it is no secret that the convention of 1898 virtually copied the constitution of 1879, incorporating into it the clauses relating to the qualification upon the suffrage that are found there now and a few more new things."²

The convention of 1913 was somewhat less restricted than that of 1898, although it was called to consider two specific questions—The Funded Debt of Louisiana, and the creation of a Sewerage and Water Board for New Orleans. The fact that legislative authority was so limited that a special convention had to be called to provide for the funding of an old debt that was inconveniently maturing at this time indicates something of the limitations of the constitution of 1898.

The convention of 1913, however, was not given any broad power for constructive measures, for although not restricted to the consideration of the two measures mentioned in the authorization voted by the people, its field of action was very definitely limited. The act creating it distinctly denied the convention's right to change existing laws relating

²*Journal of the Constitutional Convention, 1913, p. 11.*

to state boards or commissions, to educational or eleemosynary institutions, to parochial, or municipal corporations, to term of office, duties or compensation of state offices, or the registration of officials.³

The convention of 1921, except that it was not permitted to reduce the term of certain state officers, make laws affecting the bonded indebtedness of the state or its subdivisions or change the location of the state capital,⁴ was given a free hand. In fact, as the president of the convention expressed it, "The powers delegated to this convention may be said to be almost plenary."⁵

The convention, then, did not labor under the restrictions of the two preceding bodies but could include in its consideration the judiciary, the franchise, taxation, education, conservation, good roads—in fact all the questions "affecting the organic life of the state."⁶

It is significant also that the personnel as well as the power of the 1921 convention differed materially from its predecessors. The act authorizing the convention of 1913 provided for eighty delegates, one to be elected from each of the representative districts of the Parish of New Orleans, and one from each of the remaining parishes of the state.⁷ The authorization act for 1921 provided for 146 delegates, 118 to be elected from state representative districts, 16 to be elected, two each from United States congressional districts, and twelve to be appointed by the governor.⁸

Of the 80 delegates in the 1898 convention forty-five were lawyers, seven were bankers, four planters, three merchants, three accountants, etc. The 146 delegates in the convention of 1921 included ninety lawyers, eleven planters, six manufacturers, five bankers, two housewives, and one newspaper-woman.

For the first time in a Louisiana convention women took

³*Official Journal Constitution of Louisiana*, 1913, p. 4.

⁴*Constitution of Louisiana*, 1913. Authorization Act: Sec. 1, Pt. 4.

⁵*Official Journal Louisiana Convention*, 1921, p. 12.

⁶*Ibid.*, p. 15 (From Governor Parker's address to the Convention).

⁷*Journal of Convention*, 1913, p. 4.

⁸*Journal of Constitutional Convention*, 1921, p. 3.

an active part in the persons of two housewives appointed by the governor and one newspaperwoman elected from Caddo Parish.

As usual in constitutional conventions each Louisiana convention contained a majority of lawyers but the 1921 convention had a considerably higher percentage than that of 1913. Did the farmers' union and the dairymen's association have this predominance of the legal profession in mind when they memorialized the conventions "to draft the State Constitution as short and concise and simple as it is possible that the common yeomanry"—will be able to interpret⁹—"the fundamental laws of the state."

And although this petition was not honored, it is obvious even on casual examination that some improvements were made on the constitution of 1913.

The constitution of 1913, for instance, contained approximately 80,000 words, about 30,000 more than its nearest competitor, the Oklahoma constitution of 1907, and about 35,000 more than its Louisiana successor. It is true that a considerable number of words were used in the sections on the funded debt and the New Orleans sewerage and water board, but even eliminating these sections the constitution of 1913 would still afford the student of political science several evenings of light reading.

In any case, a brief examination of the two constitutions will indicate that the later convention had in some measure abandoned the earlier attempts to codify the law, and had given serious attention to provisions that would permit some leeway and elasticity in the enactment of statutory law.

With that suggestion in mind we can proceed to a consideration of the details of the constitution.

In the bill of rights the Louisiana constitutions resist the tendency so noticeable in the Oklahoma constitution to expand into thirty or more sections.¹⁰ Each of them made an addition to the bill of rights of 1898 constitution by ac-

⁹Words supplied by author, due to omission of a line in the Journal.

¹⁰*Oklahoma Constitution*, Art. II.

cepting the Oklahoma provision that a person may be arrested and prosecuted by information as well as by presentment or indictment.¹¹

The constitution of 1921 presented one innovation for the bill of rights, however, when it provided that: "No person under arrest shall be subjected to any treatment, designed by effect on body or mind to compel confession of crime, nor shall any confession be used against any person accused of crime unless freely and voluntarily given."¹²

Clearly this was the convention's definite expression against the third degree method in our treatment of people charged with a criminal action.

Legislative qualifications were not altered in the new constitution, and the only material change in the article on the legislature appeared in the section which increased the compensation from \$5.00 to \$10.00 per day and the mileage allowance from five cents to ten cents.¹³ The sections dealing with "limitations" remained practically unaltered although, as we shall note later, the scope of legislative authority was increased in certain particulars, because of the discretionary power left to the legislature. In other instances, such as the provisions regarding the appointment of certain administrative boards and officers, the power of the legislature was materially decreased. The scope of this extension or limitation of power can be noted as we proceed.

THE EXECUTIVE

The sections on the executive department made notable additions to the elective personnel by adding three officials, the Register of the Land Office, the Commissioner of Agriculture and Immigration, and the Commissioner of Conservation.¹⁴

The commissioner of agriculture and immigration took the place of an unwieldy commission of agriculture and im-

¹¹*Constitution 1921*, Sec. 9; *Constitution 1913*, Sec. 9.

¹²*Constitution 1921*, Art. 1, Sec. 2.

¹³*Constitution 1913*, Art. 29; *Constitution 1921*, Art. 3, Sec. 14.

¹⁴*Constitution 1921*, Art. 5, Sec. 1.

migration appointed by the governor with the consent of the senate; as provided for in the constitution of 1913.¹⁵ The register of the land office and the commissioner of conservation, however, were innovations and had no counterpart in the earlier constitution. The constitution of 1921, while it took away the indirect legislative power over the selection of certain officers by providing for their election, did create additional offices, whose duties were to be fixed by the legislature.

The salary of the governor was fixed at \$7,500.00, an amount that had been provided in an amendment to the constitution of 1913, where the salary had originally been fixed at \$5,000.00.¹⁶ The salary of the lieutenant governor was raised from \$1500.00 to \$2400.00,¹⁷ and that of the state treasurer was raised from \$4000.00 to \$5000.00. The auditor and treasurer continued to receive the amount that was provided under the constitution of 1913, namely \$5000.00, and indential salaries were voted for the three newly created executive officers.¹⁸

The name of the State Railroad Commission was changed to the Public Service Commission, but the qualifications, remuneration and general duties remained the same. Some of the details provided in the constitution of 1913 were omitted. The usual boards of health, boards of charity, and similar administrative bodies were provided for, their organization and duties, as in the earlier constitution, to be prescribed by the legislature.¹⁹

THE COURTS

Some of the most notable changes were in the sections concerning the courts of the state. The number of supreme court judges was increased from five to seven and the salary of each judge was raised from \$5000 to \$8000, with provisions for a fourteen instead of a twelve-year term and a

¹⁵*Constitution 1913*, Arts. 305-308.

¹⁶*Louisiana 1913*, Art. 65; *Louisiana 1921*, Art. 5, Sec. 5.

¹⁷*Louisiana 1913*, Art. 69.

¹⁸*Ibid.*, Art. 5, Sec. 20.

¹⁹*Constitution 1921*, Art. 6, Secs. 10-11.

retirement age of seventy instead of seventy-five years.²⁰ Two judges of the Court of Appeals could be called in when it was necessary for the court to sit in division. Under such circumstances it was provided that the court sit in three divisions, three judges to a division, and that a majority should concur in making a decision.²¹ The increase in salary and term of office was intended to raise the personnel of the Supreme Court, and the sections permitting the sitting in divisions would make possible the clearing of the court calendar and would greatly expedite the trial of cases before the Supreme Court.

The courts of appeal were given the same jurisdiction as in the earlier constitution, but the salary was increased by \$2000, and the term lengthened from eight to twelve years.²² The salary of district court judges was raised from \$3000 to \$5000 and the term increased from four to six years.²³ Its jurisdiction remained practically the same.

One change worthy of note had to do with the office of district attorney. The iniquitous fee system had been written into the constitution of 1913 in article 288 which provided

"It shall be the duty of the Attorney General and the various district attorneys to aid said commission (railroad) in all legal matters, for which they shall receive not exceeding 25 per cent of all fines and forfeitures collected by them; provided, the commission may employ other attorneys in lieu of these officers on like terms."²⁴

Under the new constitution the salary of the state attorney and the district attorney was increased, but no fees of any sort were allowed to officers whose salary was fixed by the constitution.²⁵

The legislature is authorized to pass laws for the selection

²⁰*Constitution 1921*, Art. 7, Secs. 4-6; *Constitution 1913*, Arts. 86-87.

²¹*Constitution 1921*, Art. 7, Sec. 5.

²²*Ibid.*, Art. 7, Sec. 19; *Constitution 1913*, Arts. 99-100.

²³*Constitution 1921*, Art. 7, Secs. 33-35; *Constitution 1913*, Arts. 108-109.

²⁴*Constitution 1913*, Art. 288.

²⁵*Constitution 1921*, Art. 19, Sec. 10.

of competent jurors, but no woman is to be drawn for jury service unless she has filed a written notice of her desire to be subject to such service. The provision that all cases not punishable by hard labor should be tried by a judge without a jury gives constitutional sanction to the use of the Roman law in civil cases.²⁶ A comparison of the sections on the juvenile court indicates one of the significant differences between the constitutions of 1913 and 1921. After providing for the organization of the juvenile court, the earlier constitution gives it jurisdiction over neglected or delinquent children and then proceeds to define, with the definiteness and detail of statute law, just what constitutes dependency and delinquency.²⁷ The present constitution, however, contents itself with stating the general jurisdiction of the court and puts the burden of providing the definitive statutes upon the legislature.²⁸ In the case of the juvenile courts, at least, the convention of 1921 was successful in avoiding the tendency to convert the new constitution into a code of laws.

THE SUFFRAGE

In the provisions on suffrage the sections of the constitution of 1913, providing for the ability to read and write, or in lieu of that the ability to interpret some clause or clauses of the constitution to the satisfaction of the election officials, were retained. The poll tax provisions were also retained, but the new constitution contained no section similar to the "Grandfather Clause" of the 1898 constitution.²⁹ The constitution of 1913 recognized the grandfather clause by permitting those who had qualified under it to vote,³⁰ but the new constitution made no allusion to it. The effectiveness of other methods and the adverse decision in the Oklahoma case undoubtedly made the clause less necessary and less desirable. In order to facilitate the registration of electors

²⁶*Ibid.*, Art. 7, Sec. 41.

²⁷*Constitution 1913*, Art. 118.

²⁸*Constitution 1921*, Art. 7, Secs. 52, 53, 96.

²⁹*Constitution 1921*, Art. 8.

³⁰*Constitution 1913*, Art. 201.

a new officer, to be known as the Registrar of Voters, was created. This officer was to be appointed by the governor for the New Orleans parish; in all other cases he was to be appointed by the police jury or other governing authority of the parish.³¹

The effect of the Nineteenth Amendment on the question of electoral qualifications is reflected in a provision in the schedule which provides,

"Wherever in this constitution a word is used with reference to a natural person, denoting masculine gender, unless otherwise expressly provided, it shall be held to apply to and embrace both sexes."³²

Another innovation on the previous constitution was contained in the provision that authorized the legislature to provide for absentee voting.³³

TAXATION

The record of practically every legislature in the Southwest indicates that one of the most significant problems facing our state governments is the problem of the readjustment of the taxation system. The general property tax, so long the backbone of the financial system of many of our states, has proven woefully inadequate; and in the states of the Southwest especially there has been an increasing demand for some constructive changes in our statute and more especially in our fundamental law. Louisiana was the first state in the South to have the opportunity to write these demands into the state constitution. In just what measure the convention was successful we shall note in the following summary.

Under the terms of an amendment to the constitution passed in 1916, the legislature was empowered to fix the term of office, salary and powers of the State Board of Affairs; which board was charged with the administration of the tax laws of the state. The new constitution changed

³¹*Constitution 1921*, Art. 8, Sec. 18.

³²*Ibid.*, Art. 22, Pt. 9.

³³*Ibid.*, Art. 8, Sec. 22.

the name of the board to the Louisiana Tax Commission and fixed the salary of each member at \$5000, and the term of office at six years.³⁴

One method of increasing the revenue was suggested in the convention of 1913 in the provision for a graduated license tax, notable chiefly for its list of exemptions. These exemptions included "... clerks, laborers, clergymen, school teachers, those engaged in mechanical, agricultural and horticultural pursuits, and manufacturers other than those of distilled alcoholic or malt liquors, tobacco, cigars and cotton seed oil."³⁵

It might have been much simpler if the article had merely enumerated the non-exempt class, for after the passage of the Eighteenth Amendment to the Federal Constitution, and the consequent elimination of the legalized manufacture of liquor, apparently only two taxable occupations remained—the cigar and cotton seed oil manufacturers.

The 1921 convention abolished the license tax by providing for a net income tax, not to exceed three per cent, in lieu of the occupational license tax. Reasonable exemptions were to be allowed, but public officials were denied exemption.³⁶ The inheritance tax section of the 1913 constitution was subjected to some slight changes. The exemption of any amount under \$10,000, inherited by an ascendant or descendant, was not provided for in the inheritance tax provisions of the present constitution. Also the upper limit of the tax for one who was neither a direct or collateral heir was fixed at fifteen instead of ten per cent.³⁷ In addition to the income tax and the revision of the inheritance tax, the convention wrote into the constitution the severance tax, which tax will be considered more at length in connection with the article on education.

If the state's power to raise money through the income, inheritance, and severance tax provisions was increased, some limitations were put upon it by the section on the prop-

³⁴*Constitution 1921*, Art. 10, Sec. 2.

³⁵*Constitution 1913*, Art. 229.

³⁶*Constitution 1921*, Art. 10, Sec. 1.

³⁷*Constitution 1913*, Art. 235; *Constitution 1921*, Art. 10, Sec. 7.

erty tax. The constitution of 1913, in the provisions on the general property tax, allowed the state a maximum rate for all purposes of six mills on the dollar, providing, however, that such maximum could be raised if necessary for the purpose of meeting the obligations incurred in the constitutional provisions on the funded debt. The constitution of 1921 fixed the maximum rate at five and one-fourth mills on the dollar, or five and three-fourths mills in case such increase was voted by a two-thirds majority of each house.³⁸

In the case of local taxes the constitution of 1921 limited the expenditure of any municipality to seven, and any parish to four mills on the dollar of assessed valuation,³⁹ except that for the purpose of public improvement or education the tax paying citizens might by a majority vote, authorize the levying of a special tax in excess of such amount.⁴⁰ For these special needs the political subdivisions were permitted for "—the purpose of constructing or improving public buildings, school houses, roads, bridges, levees, sewerage or drainage works, or other works of permanent public improvement," to raise for any one year not to exceed five mills on the dollar for any one purpose, and not to exceed twenty-five mills on the dollar for all said purposes. A majority vote of the tax payers voting at the election held for the purpose could raise the aggregate for any one purpose to eight mills on the dollar, providing such rate did not extend over a longer period than ten years.⁴¹

The provisions of the general property tax of the constitution of 1921 made some changes over the former constitution that are of sufficient interest to note.

The maximum expenditure for other than the public purposes enumerated above was in the case of municipalities and parishes limited to ten mills in the constitution of 1913, while the limitation was fixed at a still lower figure in the

³⁸*Constitution 1921*, Art. 10, Sec. 3.

³⁹Under the 1913 Constitution no local tax was to exceed 10 mills except as otherwise provided in the constitution.

⁴⁰*Constitution 1921*, Art. 14, Secs. 11, 12. Section 12 dealing with municipalities was not to apply to the city of New Orleans.

⁴¹*Constitution 1921*, Art. 10, Sec. 10.

new constitution. Also the aggregate that could be raised by the vote of the property tax payers for any one purpose was fixed in the new, while there was no such maximum provided for in the earlier constitution. While conservative in these particulars, the convention of 1921 was liberal in its grant of discretionary power to local administrative bodies; for where under the 1913 provisions they could raise a maximum of ten mills on the dollar without appealing to the taxpaying voters, the latter measure permitted a maximum of twenty-five mills for all purposes before such appeal is necessary.⁴² (It must be borne in mind, however, that the limitation for any one purpose is five mills.)

The new constitution on the one hand gave more power to the local authorities over taxation while at the same time provided against the assumption of excessive liabilities on the part of municipal or parochial governments.

The convention was conservative when dealing with the state debt, for while providing for the recognition of the funded debt created by the constitution of 1913, it also repeated in substance the limitations placed on the legislature by its predecessor. Article IV, Section 2 of the 1921 constitution provides as follows:

"The legislature shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the state; or to issue bonds or other evidence of indebtedness therefor, except for the purpose of repelling invasion, or for the suppression of insurrection. . . ."⁴³

This limitation is a direct inheritance from the constitution of 1898, an instrument of government which fixed the financial powers of the legislature at the almost irreducible minimum. The newer constitutions display more liberality. Mississippi, 1890; Oklahoma, 1907; Michigan, 1908; New Mexico, 1912, fix the limit of debt that may be incurred by the legislature at \$250,000, \$400,000, \$250,000 and \$400,000 respectively.

Louisiana had in the existence of the bonded indebtedness,

⁴²*Constitution 1921*, Art. 10, Sec. 10.

⁴³*Ibid.*, Art. 4, Sec. 2.

as created by the convention of 1913, some reason for its conservatism, but this particular limitation appears somewhat too drastic, for any financial emergency would have to be met through the medium of a constitutional amendment.

The convention did, however, attempt to assure adequate revenue to the state by authorizing new forms of taxation and giving the legislature more extensive power over the existing sources of revenue.

STATE HIGHWAYS

One of the constructive articles of the constitution of 1921 was that dealing with state highways. Under the preceding constitution a state tax of one-fourth of a mill was allowed as part of the six-mill tax, such tax to be used in the repair and construction of state highways and public roads. The police jury of each parish was authorized to impose a per capita tax of one dollar; a vehicle tax, ranging between twenty-five cents and one dollar, and to appropriate at least one mill on the dollar of the local property tax—all to be used in the construction and maintenance of public roads and bridges.⁴⁴ Under the constitution of 1921 the legislature was authorized to impose for the benefit of the state highway fund an annual grade license on all motor vehicles. The minimum fixed was for motorcycles, five dollars; for automobiles, fifteen dollars; and for trucks, twenty-five dollars. Other vehicles using the road were also subject to tax. A tax not to exceed two cents a gallon on gasoline, kerosene or other explosive used for motive power was also authorized.⁴⁵ In addition, the legislature was empowered to apply to the general highway fund any moneys derived from any other source.

These new provisions on highways were decided improvements on the earlier provisions. The tax on vehicles and on gasoline, once fixed, could be estimated with a fair degree of accuracy and assured a greater return and a more equitable tax than the former system could assure. And the fact that

⁴⁴*Constitution 1913*, Art. 292.

⁴⁵*Constitution 1921*, Art. 6, Sec. 22.

the state would have fairly large road fund to control and distribute in state road building would assure more centralized control over highway construction than would otherwise be the case. The provisions of the 1921 constitution were adopted at the time the national government was considering the question of government aid, and the convention in its resolutions and committee reports indicated its intention to incorporate into the constitution a constructive policy for the financing of state highways.

EDUCATION

The provisions of the new constitution on education varied considerably from that of its predecessor. The constitution of 1913 provided for an elective superintendent, who should serve for a period of four years at a salary of \$5000.⁴⁶ In addition the legislature was authorized to provide by law for state and parish boards of education.⁴⁷ The convention of 1921 provided for a state board of education to be composed of eleven members, eight of whom were to be elected, one from each congressional district, and three to be appointed by the governor, one from each district corresponding to the existing railroad districts.⁴⁸ This board was authorized to elect a state superintendent of education, who was to serve for four years at a salary of not less than \$5000 or more than \$7500.⁴⁹ The board was to have such other duties as the legislature might prescribe. These provisions made the position of state superintendent appointive rather than elective and took from the legislature the power to prescribe the method of selecting the state board of education.

Also there was a notable change in the provision on school funds, for in addition to providing that the income from poll taxes, school lands, and school funds should be used exclusively for the support of the public schools, the

⁴⁶*Constitution 1913*, Art. 249.

⁴⁷*Ibid.*, Art. 250.

⁴⁸*Constitution 1921*, Art. 12, Sec. 4.

⁴⁹*Ibid.*, Art. 12, Sec. 5.

constitution raised the minimum amount of the general tax to be used for school purposes from one and one-fourth to two and one-half mills on the dollar.⁵⁰ Under the constitution of 1913 the proceeds of the inheritance tax were to be used solely for the benefit of the public schools, while the constitution of 1921 did not restrict the tax to that purpose. The new constitution did, however, make a general provision that the public schools should have ". . . such additional funds as the legislature may appropriate."⁵¹

The provisions for the parish school boards and for the local taxes for school purposes were practically unchanged so that the real changes in the general education section had to do with the method of selecting the state board and the state superintendent, and the state appropriations for the support of the public schools. One provision of especial interest to the teacher made it mandatory on the legislature to ". . . provide for a retirement fund for aged and incapacitated teachers in the state public schools."⁵²

The most notable of all the changes were those dealing with the financial support of the university and the agricultural and mechanical college. The 1913 constitution after recognizing the debt from the state to the funds of the institution, provided that ". . . the general assembly shall make such additional appropriations as may be necessary for its maintenance and support and improvement. . . ."⁵³

In addition, the new constitution provided for a one-half mill tax whose proceeds up to \$1,000,000 should be used for the support of the university and the agricultural and mechanical college. The proceeds of the state severance tax⁵⁴ collected between July 1, 1922, and January 1, 1925, up to \$5,000,000 were appropriated to the use of the university

⁵⁰*Ibid.*, Art. 12, Sec. 15; *Constitution 1913*, Art. 254.

⁵¹*Constitution 1921*, Art. 12, Sec. 14.

⁵²*Ibid.*, Art. 12, Sec. 23.

⁵³*Constitution 1913*, Art. 256.

⁵⁴Article 10, Section 21 dealing with the severance tax provided: "Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance."

and the agricultural and mechanical college for maintenance, equipment, and construction of additional buildings. This measure assured the university of a fairly adequate building fund, and one-half mill tax removed it from the very direct dependence on the state legislature that had been its lot under the earlier constitutions. There is little doubt that of all the changes made in the fundamental law those on education are among the most significant.

A few miscellaneous provisions will be noticed before we leave the discussion of the specific provisions of the constitution. The new constitution permitted a maximum rate of six per cent on municipal bonds where the maximum under the earlier constitution had been five per cent. Some new provisions were added to the constitution of 1921 as in Article XIX, Section 8, which prohibited, "gambling in futures on agricultural products or articles of necessity, where the intention of the parties is not to make an honest and bona fide delivery." A further desire to protect the agricultural interests of the state was expressed in Section 14 of the same article, that made it unlawful for persons or corporations to combine or conspire together to control the price of any agricultural product or other article of necessity.

The anti-alien movement also found expression in Section 21 or Article XIX, which prohibited any alien, not eligible to citizenship, for owning or controlling any land or other interest in real property.

If Louisiana was following some of the northern and western states in the provisions regarding alien land ownership, gambling in futures and other economic provisions, it did not accept their leadership in accepting political innovations. The usual form of amendment is provided. The question is submitted by a two-thirds vote of each house and becomes a part of the constitution when approved by a majority vote of the electors voting thereon.⁵⁵ There is no provision for the initiative and referendum, the recall, or other methods of direct legislation, and the general pro-

⁵⁵*Constitution*, Art. 21, Sec. 1.

visions on local government are but slightly changed from those of the earlier constitution.

Space does not permit an examination of other details of the constitution. The provisions dealing with the city of New Orleans and the extent to which home rule was granted might afford some interesting material on that question on which a number of our recent conventions have come to grief, for the struggle between the metropolitan and the rural districts has often meant disaster when the constitution was presented to the people for ratification. Such disaster is avoided in the Louisiana constitution, however, in that the convention was given the power to adopt as well as frame a constitution. Hence part 13 of Article 22 of the constitution declares:

"This constitution adopted by the people of the state of Louisiana in convention assembled, shall be in full force and effect on and after July 1, 1921, save and except as otherwise provided in and by this constitution."

CONCLUSION

State constitutions have of recent years displayed two tendencies, first, to increase the power of the electorate through the initiative and referendum and other measures; second, to limit the power of the legislature and increase that of the executive, and, in some cases, of the judiciary.

Certainly Louisiana's constitution of 1921 did little toward securing more power to the electorate. As we have noted, the work of the convention was not submitted to the people; so far as the pages of the Journal indicate there was no extensive consideration given to any measures dealing with direct legislation.

What, then, of the limitation on the power of the legislature? Clearly in the provisions for various boards and commissions there was a tendency to limit the power of the legislature. And if little was accomplished in the way of the consolidation of administrative boards, there was a noticeable tendency towards centralizing authority in the hands of the governor. Some of the details of the old con-

stitution were omitted and, to that extent, more discretion was left in the hands of the law-making body; but this discretion was necessary to escape the evil of over-codification that was so apparent in the constitution of 1913.

It is notable that the chief limitation put upon the legislature had to do with taxation, for by its provisions on the half-mill tax and the severance tax the constitution has taken away much of the legislative authority over appropriations for higher education. Even in the case of the public school system the legislature lost some of its discretionary power when the constitution raised the tax minimum that must be devoted to the support of the public schools.

In regard to the judiciary, the increase in the term of office and salary should strengthen the personnel, while the provision that makes possible the expediting of cases should increase the effectiveness of the courts. It is true that the appellate jurisdiction was slightly restricted under the new constitution, but there was no interference with its important powers, and the judiciary, like the executive, was strengthened by the provisions of the new constitution. Of course, it may be possible to increase the power of the executive and the courts to the detriment of the legislature, but the Louisiana constitution has not yet reached that point.

Ultimately we must look toward a better coördination and a nicer discrimination in the distribution of powers; but at best we will fall far short of the ideal. Above all, we need some states rash enough or practical enough to experiment with a legislature of greatly reduced size or even with a unicameral legislature. Louisiana's convention did not profess to be such a pioneer. It convened to meet an emergency in connection with taxation, education, the judiciary, and the highways, and in the solution of those particular problems the convention met with a reasonable degree of success.

OKLAHOMA'S DRAMATIC YEAR

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During the year 1923, Oklahoma was the stage of an extraordinary drama. For a large part of this year, the outside world watched the drama eagerly, expecting and finding new developments almost daily. Now that the play is ended and the curtain drawn, it is worth while to review the principal episodes.

In order to understand the events of this period, one must have some knowledge of Oklahoma's sociological background. This state has passed in thirty-five years from a prairie country over which Indians wandered in search of buffalo herds, to a strange medley of farm lands, oil fields and "oil towns," mining communities, and cities. Its inhabitants consist of the few surviving pioneer settlers and their descendants, many of whom have become very wealthy, a large number of persons who have come in from other states in search of land or oil or business opportunities, an agricultural class half of whom are tenants, a goodly number of Indians, and a sprinkling of negroes. Its mining camps and oil towns are the last stronghold of the much sought local color of pioneer days; where men carry guns as a matter of course, and "shootings" may happen at any moment. Its larger cities, on the other hand, pride themselves on being "up to date in every respect;" and their brave show of business houses, schools, churches, parks, residences and hotels is indeed amazing.

The temper of the people has been, up to the present time, almost entirely that of the United States of a century ago: confident, aggressive, hard and contemptuous toward the man who could not "get ahead" in the midst of apparently unlimited opportunities, shrewd and unscrupulous in business, and individualistic in outlook (despite the fact that the distrust of "big business" which marked the last decade of the nineteenth century led to many constitutional

restrictions upon trusts, and to the establishment of a corporation commission to control them). In a state where anybody might strike oil at any time, in a state where land values have soared in one generation beyond the wildest fancies of the earlier settlers, ideas of social responsibility have had little opportunity to develop. Political opinion has been of the simple and primitive order generally associated with the name of Andrew Jackson; and the leading newspapers gravely rebuke an official who seems indifferent about rewarding his faithful henchmen by placing them in any available positions of public service.

This idyllic situation has been somewhat disturbed of late years, however, by the growth of industrialism and the spread of the idea of farmers' political associations. A strike or two, now of miners, now of printers, a few mass-meetings of tenant farmers to organize for political action, these and other disturbing signs have shown that a new order of thought is displacing the old. This could not happen, of course, while free land was plentiful, and any man might help himself to a farm and perhaps an oil well; but it is inevitable now. This, naturally, the successful business men and politicians cannot understand; and their rebukes of "hired agitators," "radicals," and disturbers of the economic order in general are heard throughout the state. Meanwhile, the old order is disintegrating before their eyes, and a new one is gradually taking its place.

In an age of social transition, the leader has a part of great importance. Upon his foresight, wisdom, discretion, and integrity, will depend, not, indeed, the ultimate coming in of the new order, but its present success or failure, and its immediate direction, type, or form. An incompetent or dishonest leader may discredit the cause which he professes to serve so that it may be years before that cause can gain headway, or so that it may be compelled to change its form and its name before it can win the confidence of the very persons with whose interests it is concerned. It was such a leader that the farmers and laborers of Oklahoma found in "Jack" Walton.

A few years ago John Calloway Walton moved into Oklahoma. He became a dealer in electrical supplies in Oklahoma City, and in 1917 he was elected to the city commission of public works. Repeated charges of incompetence and dishonesty were made against him, but none was ever proved; and his reply to all charges was that he was a man of the people, who was being made to suffer at the hands of the "big interests." Two years later he became a candidate for mayor of Oklahoma City, and won the election in the face of almost unanimous opposition from the newspapers and the "better element" in general. While Walton was in the mayor's office, charges against him continued to be made, especially in regard to his conduct of the police department, but these were explained away as inventions of his political enemies.

In 1922 Oklahoma was to elect a governor. The political situation was very complicated, as the national political currents that followed the war had given the Republicans more strength than they had ever possessed in this normally democratic state. It was apparent that the increasing strength of the farmer-labor movement might actually give this group the balance of power under the circumstances; yet both "regular" parties hesitated to invite the "radicals" into camp. Walton was aware of the importance of the farmer-labor element, and when this party held a convention at Shawnee to write its platform and nominate a candidate for governor, he flew to the convention by airplane, endorsed the platform, and secured the nomination.

The Shawnee platform consisted of seventeen planks, ranging from an endorsement of the recall and of lengthened terms for common schools, to a demand for a state bank and for the union label on state printing. One or two of the planks might perhaps be considered unsound, as, for example, that demanding state printing of text books for schools; but to anyone who has been in touch with labor movements elsewhere, the entire platform seems almost pathetically harmless. It was hailed by all the "regulars," however, as the voice of "red Russia"; and Walton was denounced as a dangerous radical. Nothing daunted, he de-

clared himself a candidate for the democratic nomination in the primary election; and after campaigning the state in an automobile, preceded by a "jazz band" in another car, he actually secured the nomination, losing every important city except one, but carrying the small towns and the rural districts, which were persuaded that he was a friend of the farmer.

Although many Democrats worked against him, and voted against him in the general election, the combined strength of the "faithful" and the farmer-labor group elected Walton. He announced that his inauguration was to be celebrated, not by a grand ball for the wealthy and fashionable, but by an old-fashioned barbecue, to which everyone in the state would be welcomed. This barbecue was a most picturesque affair, and an intensely interesting study for the social scientist, because it showed in cross-section the entire population of the state, from the old-fashioned stately gentleman in silk top-hat and frock coat, to the farm boy in overalls, and the "old-timer" wearing a coat of cowskin with the red and white hair outside.

It was obvious at the beginning of Walton's term of office that the democratic leaders were preparing to make the best of the situation; and that they hoped to control the governor. His first official acts, however, discouraged them and gave joy to the farmer-labor partisans. He had introduced into the legislature a number of bills embodying the principles of the Shawnee platform, about half of which were passed. These included an improved workmen's compensation law, a measure establishing a system of warehouses for agricultural products, and a free text-book law. He also secured exceptionally large appropriations for the governor's office, including an emergency fund of \$2,000 a year. This remarkable show of strength was due in part to the presence in the legislature of several farmer-labor members, in part to the fact that the Democrats, with the exception of a few "irreconcilables," decided to work with the governor in order that his gratitude to them and confidence in their support might enable them to control him later.

Just at the close of the legislative session Walton an-

nounced that he would not permit any sentence of capital punishment to be executed in Oklahoma during his term as governor. This proclamation, and his attitude toward legislation, based on the Shawnee platform, are significant in the light of later events. If Walton can be said to have had definite purposes at the beginning of his term of office, they seem to have been to establish himself in power with the help of the farmer-labor group, and to show himself friendly toward the criminal class which is always ready to pay heavily for official kindness.

The legislature, as usual, failed to pass its appropriation measures until the very end of its session. When the governor was called upon to sign these bills, it became apparent that the total of appropriations was greater than the anticipated income of the state. With much talk of economy, Walton disallowed many items, and reduced others. The state educational institutions especially suffered from this action; but since the courts later held that the governor was without power to alter an item in an appropriation bill, the original sums of the reduced items were finally made available. The entire episode was the cause of much comment, generally unfavorable to both legislature and governor, as it was pointed out that a little care and a few conferences would have prevented the necessity for any cuts in the name of either economy or policy.

The antagonism which Walton's action on the appropriation bills had aroused in educational circles was accentuated when he began to change the personnel of the boards of regents of the state institutions of higher learning, and to control their administration by this means.

Changes in the boards of regents led to the resignation of Dr. Stratton D. Brooks, president of the state university, and to the removal of Dr. J. B. Eskridge, president of the state agricultural and mechanical college. Excitement and indignation increased when George Wilson, a man without a college degree, who had been Walton's campaign manager, was made president of the latter institution; and Walton's ungracious reception of a large delegation of students from the college and interested townspeople who came to protest

against Wilson's appointment, added to the growing unpopularity of the governor. He actually used threats to this delegation, warning them that if there were any disturbances he would "send the national guard up there and tell you when to go to bed and when to get up."

It is impossible for any person except one in Walton's confidence to explain the influences that were brought to bear upon the governor in order to change his attitude in regard to Wilson. All that is known to the public is that the American Legion waged a bitter fight against him; that Walton was interviewed by representatives of great oil interests;¹ and that one month after his appointment, Walton again altered the board of regents, and Wilson was dismissed. The *Oklahoma Leader*, the organ of the farmer-labor reconstruction league, bitterly assailed Walton's action as a desertion of the people's cause. Walton announced that he was convinced that those who had professed to be leaders of this cause in Oklahoma, including a "committee of twenty-one" which had worked for him in his campaigns, were in reality false leaders. He issued a call for a "council of twelve" to reorganize the farmer-labor movement; and this council met, but accomplished practically nothing. From this time on, Walton alienated one faction after another, until he had almost no friends left beyond a few persons whom he had appointed to various offices. His course is inexplicable except on the hypothesis that he had lost all sense of proportion upon reaching his high office, and had become literally "drunk with power."

Meanwhile, other troubles were brewing. Mrs. Patrick Nagle, who had been placed on the state board of affairs (the central purchasing board of Oklahoma, with control over penal and eleemosynary institutions), as a reward for her help in Walton's campaign, was proving to be uncomfortably honest, and was making open charges of corruption

¹Testimony in the impeachment trial showed that the "friend of the common people" had received thousands of dollars as campaign contributions from "oil men"; and that \$30,000 in notes, a part of the purchase price of his new home, had taken been taken up by the president of a large oil company.

against other members, in particular against the chairman, Charles Ruth, to whom Walton was much indebted politically. The scandal grew until Walton, not daring to dismiss Mrs. Nagle, declared her charges unfounded; and without permitting them to be investigated, gave Ruth a position on the new supreme court commission. This act is but one example of the absolute disregard of public opinion, and the determination to retain "his men" in public office, that Walton displayed in filling all appointive positions. Space will not permit a list of the dismissals, appointments, alterations, shifts, and reappointments that he made, with the purpose, quite often openly avowed, of having men in every office who could be counted upon to carry out his orders.

Charges of personal corruption against Walton now grew louder daily. It was said that his expensive new home had been financed by certain oil interests in return for official favors. It was charged that he had placed numbers of his friends on the state payroll, although they rendered no services whatever. In particular, it was alleged that Walton was doing a large and extremely profitable business in selling pardons and paroles. By midsummer the farmer-labor group realized that they had been tricked by a demagogue whose concern for the people was nothing more than a political slogan; and the other citizens of Oklahoma were convinced that they had placed in power a man who had no sense of public responsibility.

Talk of impeachment began to be heard. As legislative sessions are held only biennially, and special sessions meet at the call of the governor and are restricted to the consideration of measures recommended by him, there was considerable doubt as to the possibility of impeaching the governor for nearly two years; yet the talk of impeachment continued to spread. As it grew more persistent, Walton apparently looked about for an issue which would divert public attention from his official record, and which would place him in a favorable light. This issue he found in the Ku Klux Klan.

It is difficult to disentangle the facts from the charges, during the events of the next two or three months. Walton

charged that the Klan was committing large numbers of outrages upon helpless and innocent victims, that local officials made no efforts to keep down mob violence, and that martial law was the only way to handle the Klan situation. He therefore declared martial law in Okmulgee county on June 26, but lifted it in about two weeks. On August 14 he placed Tulsa county under martial law, established a military court of inquiry to investigate acts of mob violence, and later suspended the writ of habeas corpus. For a short time he placed military censors in the offices of two Tulsa newspapers. On September 15 he declared that Oklahoma was in a "state of rebellion and insurrection," and placed the entire state under martial law. He set up military courts in several cities.

Klan sympathizers replied to Walton's charges, that they had committed no acts of violence and had broken no laws, that the governor's opposition to the Klan was due primarily to personal chagrin at being rejected when he had applied for membership in this organization, and that his attack upon the Klan was a maneuver designed to prevent his own corruption in office from becoming apparent, and to place him at the head of an army which would be compelled to carry out his orders.

To a person who has lived through those exciting days in Oklahoma, it seems that the truth lies somewhere between the two points of view. It is unquestionably true that the Klan had committed acts of violence in Oklahoma, and, still more, acts of intimidation; that it is a socially disturbing factor, and that its very nature makes it an enemy to "government by laws rather than men." It is very far from being true, however, that the state as a whole was in such disorder as to warrant a proclamation of martial law, particularly when no attempt had been made to enforce a statute known as the attorney-general's law, by means of which the governor could have required that officer to bring proceedings in court against local officials who failed to do their duty. The citizens of the state in general resented the proclamation of martial law and were determined to proceed against Walton, while by no means committing themselves

to the support of the Klan. A slogan invented by a leading newspaper expressed the sentiments of many—"We want neither Klan nor King!"

Shortly after military law was declared throughout the state, a grand jury attempted to assemble in Oklahoma City to investigate charges that Walton had misused public funds. Declaring that they were a group of Klansmen, Walton had machine guns trained upon the jury room, and prevented the jury from assembling. A majority of the members of the house of representatives were convinced by this time that they could legally meet to institute impeachment proceedings without being convened by the governor in special session.² Accordingly, a majority of members signed a call to the house to meet at the state capitol on September 26 to investigate the acts of the governor. Walton announced that the house was composed largely of the Ku Klux Klan and that he would not permit it to assemble. He ordered out the militia, and when the representatives attempted to enter the capitol on the day set, they were dispersed by soldiers. Popular excitement was running high by this time. Walton had managed to alienate almost everyone who had ever supported him. His few remaining friends claimed later that they had advised him against interfering with the meeting of the house of representatives, and against his further acts, but that they were unable to control him. The people of the state in general were indignant at the spectacle of guns turned against a legislative body, and their indignation reached the point of action at the governor's next move.

Sometime before this, a special state election had been called by Walton for October 2. Now an initiative petition was circulated, for a constitutional amendment permitting the legislature to convene without the call of the governor

²The case of *People ex rel. Robin v. Hayes* (143 N. Y. S. 324, 325) was frequently cited in discussions as to the legality of such action. In this case it was held that the assembly of New York was the sole judge of the time when it should exercise its power to institute impeachment proceedings, and that it could convene itself for that purpose.

for the purpose of considering impeachment proceedings. This petition was filed in due form, and was added to the other questions to be voted upon at the special election. Walton at once instituted court proceedings to stop the election, but lost his case. Thereupon he issued an order indefinitely postponing the election. He stated, furthermore, that he had a state police force of 22,000 men, all of whom would be on hand to prevent the election on October 2; and that he would use the national guard and volunteers to prevent rioting.

This was not Walton's first mistake, but it was his greatest. He failed to realize that no man can intimidate an entire electorate. The attempt to postpone the election was popularly believed to be an act entirely beyond his powers; and the threat of military force was met by a general determination to vote at any cost. Preparations for the election went ahead throughout the state.

Just before the election, Walton removed the chairman of the state election board, and replaced him by a man of his own choosing who immediately ordered county election boards throughout the state to see to it that the proposed election should not be held. Alterations were made in the personnel of some of the county boards. The attorney-general, George Short, issued a statement to the effect that the election was legal and should be held, and telegraphed to all county attorneys, reminding each that "it is your duty to see that peace is preserved in your county and that your sheriff deputize such citizens as may be necessary to prevent riot, rout or interference with this election." Walton telegraphed to county attorneys, sheriffs, and secretaries of the county election boards, directing them to "take all steps necessary to enforce the order postponing the election." These events occurred during the two days immediately preceding the day appointed for the election. At the last moment Walton issued a call for another election on December 6, at which time a vote should be taken upon the proposed amendment permitting the legislature to convene for impeachment proceedings. This call was received with general contempt.

Popular feeling ran high. The citizens of Oklahoma were almost unanimous in their determination to vote. In many counties sheriffs deputized hundreds of men to assist them in protecting the election against any attempted interference by the militia or the governor's agents. It is hardly too strong an expression to say that by the night of October 1 the state was on the verge of civil war; yet nothing was farther from the minds of the citizens than "rebellion and insurrection," or rioting and disorder. Neither before the election nor during the day itself was there the slightest sign anywhere in the state of mob violence or popular hysteria.

On the morning of October 2, the polls were opened as usual in most counties and precincts. Voting was early and quiet. Here and there silent countrymen came in with shotguns over their shoulders; armed men guarded the polls in some precincts; but the day passed without the firing of a shot. In only four out of the seventy-seven counties was there a failure to hold the election; and nowhere was there rioting. Fortunately, Walton made no serious attempt to use military force to close the polls; but it is safe to state that in any event, the election would have been held. The "embattled farmers" were determined to permit neither threat nor force to interfere with their exercise of the right of franchise. The whole episode, in dignity, courage, quiet determination, and power, was in keeping with the best traditions of the self-governing English-speaking peoples.

The initiated amendment which had led to Walton's attempt to revoke the call for the election was, of course, carried by a large majority. The governor instituted court proceedings in an attempt to have the election declared invalid and to prevent the results from being officially certified but lost his cause.

Acting under the new amendment, the lower house decided to convene on October 17, but Walton issued a call for a special session on October 11. On the eve of this session he made a public statement in which he offered to resign if the legislature would pass an anti-Klan bill proposed by him. It was evident that if this offer were accepted,

Walton would be in the position of a martyr to his anti-Klan principles. The offer was refused, and the house of representatives proceeded to draw up an indictment of Walton comprising twenty-two counts. On October 23 the senate suspended Walton from the position of governor; and on November 19 he was impeached by the senate. He made several efforts to block the impeachment proceedings. Claiming that the legislature is controlled by the Klan, he had a plea entered in the federal courts that he was not receiving due process of law as guaranteed by the Fourteenth Amendment, but the courts refused to take jurisdiction. Just before the vote of impeachment was taken, Walton rose in the courtroom, delivered a short speech to the effect that he was convinced of the impossibility of securing a fair trial and was therefore withdrawing, and made a dramatic exit with his family and his attorneys.

When the vote was taken on sixteen counts of the indictment (six having been dropped), the two-thirds majority vote necessary for conviction was given on eleven counts. These were as follows: Misuse of the pardon and parole power; payment of a personal chauffeur from the funds of the state health department; violation of the law limiting primary campaign expenses; soliciting campaign funds which were applied to private use; padding state payrolls with many persons who drew salaries but performed no services; attempting to prevent an election;³ suspending the writ of habeas corpus;⁴ preventing the meeting of a grand jury; dishonesty in connection with the Taft negro school deficiency certificates; dishonesty in connection with the state health department deficiency certificates; general incompetency. Walton at once attempted a further appeal to the federal courts.

After impeaching the governor, the legislature busied itself with investigations of alleged misconduct on the part

³Article 2, Section 4, of the Oklahoma Constitution says: "No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage by those entitled to such right."

⁴*Ibid.*, Section 10: "The privilege of the writ of habeas corpus shall never be suspended by the authorities of this state."

of other public officials; and several resignations and a few removals from office have resulted from this "housecleaning." An attempt on the part of the anti-Klan forces to have a bill passed compelling secret societies to file lists of their membership with county clerks was defeated, although a mild anti-Klan bill, "with no teeth in it," as the newspapers declared, was passed. In December, the former lieutenant-governor, now Governor M. E. Trapp, suggested that the legislature should take a recess until January, when he would convene it in special session to consider questions of importance, particularly in regard to financial matters.

The morals which can be drawn from this drama are numerous. It is clear that a primary system which enables a man to become a candidate for office under the name of a party, without the support of the party as a whole, defeats one of the principal uses of partisan government, the guarantee of candidates. A financial system, or lack of system, such as Oklahoma has (despite the fact that on paper she has a budget), is in crying need of revision. Above all, the placing of great powers in the hands of one man who cannot be held responsible except by impeachment, is a direct invitation to the misuse of such powers. The fact that Walton is not the first nor the only governor to misuse them, and the further fact that his apparently deliberate alienation of friends and supporters and the fight which he waged against the Ku Klux Klan led to his impeachment, which would have been politically impossible had he not "played a lone hand," do not diminish the importance of this lesson.

Under a responsible system of government, comparable to the English parliamentary system, the chief executive is a party leader, picked for ability and political influence; the financial plans are his, and unless he and the legislature can agree upon them, he resigns; misuse of powers can be checked at once by a vote of lack of confidence; while on any issue as to which the leader believes that the people will support him rather than the legislature, he can call a general election and thus determine the will of the people. Under this system there is harmony between people, legislature and executive; genuine leadership and immediate

and continuous responsibility for the use or misuse of powers. Oklahoma's year of Walton is the logical consequence of the present American system of state government.

SOME FOUNDATIONS OF POPULAR GOVERNMENT IN CONTEMPORARY EUROPE*

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One of the outstanding changes effected by the World War in the political order of all the European states has been the acceptance of democratic national self-government as the fundamental principle of twentieth century constitutionalism, whether under republican or limited monarchical forms. To give effect to the principle revolution, political or social, was necessary in Central and Eastern Europe; in Western Europe, already versed in constitutional democracy before the war, the principle was reapplied in the form of the extension of the suffrage and the widespread adoption of far-reaching electoral reform.¹ In no part of the continent is the reformatory process complete, and in many cases it is still in flux, with acrimonious dis-

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¹England began the process by the adoption of the Representation of the People Act of February 6, 1918 (Parliamentary Debates, Fifth Series, Commons, 101:2291). Denmark followed by putting into force the Kongelov of 1915 which granted equal suffrage on April 21, 1918, and enacting an even broader franchise law on April 11, 1920. The Netherlands, in the revised constitution of 1918, enacted universal suffrage with proportional representation, but did not give women the vote for the Second Chamber of the States General (Barnouw, *Holland Under Queen Wilhelmina*, p. 156). Not to be outdone, Portugal late in 1918 granted universal suffrage. Of the other Allied countries, Belgium began by extending the suffrage to women for the first time by the electoral law of May 2, 1919, and incorporated its provisions in Articles 47-50 of the revised Constitution of 1921. France came next with the electoral law of July 12, 1919 (*Journal Officiel*, 13 juillet, 1919, pp. 7222-3) establishing qualified proportional representation but not granting equal suffrage; finally, Italy passed the electoral law of September 2, 1919, which granted proportional representation to an enlarged electorate. (*Gazzetta Ufficiale*, Anno 1919, Numero 211, 4 Settembre, pp. 2575-2593).

cussions going on in press and parliament as to the exact extent and nature of the reforms to be undertaken.²

In Western Europe the war-time movement for the revision of electoral procedure and the extension of the suffrage succeeded in most instances in endowing women with full political rights and, in general, in doing away with the ownership of property as the basis of the franchise. This marked the broad recognition of voting as an inherent right and was the culmination of the endeavor to divorce political capacity from title to property. So complete has been this separation that in only a few instances do vestigial reminders of the old property qualification survive. In England, France, Belgium, Denmark, Portugal, Italy, Holland and Switzerland far-reaching changes in the extent of the electorate, as well as in the method of voting, resulted from the war, although equal suffrage has not made as great progress among the Latin as among the Anglo-Saxon, Germanic and Slavic peoples. Among the reasons conditioning, and, in a measure, restricting this development, has been the traditional and hereditary religious affiliation of women: the extension of the franchise to them has been reluctantly assented to, and has operated to modify party strength very materially as well as to alter the methods and tactics of party organization.³

Another important factor has been the almost universal acceptance of the principle of proportional representation, under one system or another, in order to enable the dissonant voices of racial, religious or linguistic minorities to make themselves heard. Yet peculiarly, once accepted, as in France and Italy, various endeavors have been made by nationalist groups to nullify the principle after its first ap-

²This is particularly true in England, where the granting of suffrage on identical bases for men and women is still agitated; in France, where equal suffrage is at present under discussion; and in Italy, where the law of 1919 has become the target of Mussolini.

³Rene Brunet (*The New German Constitution*) analyzes the situation arising in Germany from the preponderantly clerical affiliation of women. His conclusions are equally valid for Austria and Belgium.

plication or acceptance.⁴ The same may be said of Great Britain.⁵

On the whole, electoral reform in Western Europe, despite many professions of democracy by its proponents, has been none too liberal, and was forced upon conservative governments by popular dissatisfaction with existing compromise systems and by the necessity of rewarding the woman citizenry as well as the soldiery for their effective participation in national defense. It came, nevertheless, peacefully, constitutionally, and in time to resist the rising tide of revolution that alone effected requisite reform in the rest of the continent. When viewed in relation to the more revolutionary efforts in Central and Eastern Europe, it appears that the ultimate reason why revolution did not spread to Western Europe was that political democracy, at least in its accepted legal forms, had already intrenched itself. Nothing was to be gained by the overthrow of political institutions; in the expansion of the bases of democratic control alone lay progress. Thus the wave of revolution stopped at "the frontiers of freedom," at the borders of the constitutional democracies, and neither in Holland nor in Switzerland nor in Scandinavia were the extremists able to command a hearing.

Central Europe, before the war, was generally regarded as offering to the political scientist a unique array of archaic electoral arrangements. Where more far-sighted statesmen

⁴Thus the French electoral law of July 12, 1918 made proportional representation applicable only in case no party obtained a majority; the nationalist bloc utilized this provision cleverly in the 1919 elections to defeat the socialists. Similarly, in Italy, the inability to create a parliamentary majority under the law of 1919 has led to Fascist proposals for the restriction of proportional representation to the non-Fascist minority groups. What the result of Mussolini's plans will be remains indeterminate.

⁵It will be recalled that the Representation of the People Act proposed proportional representation experimentally on a limited scale. In practice, no general application of the principle has been made, though it is not inconceivable that the new parliament may, in view of the lack of a majority by any one party, revive the schemes for proportional representation.

in Western Europe had slowly broadened the franchise, the dynastic rulers of the Central Empires had blindly resisted change, and when change came, it was not subtle, gradual, imperceptible, but catastrophic. The new wine of the democratic principle necessarily destroyed by its effervescence the old bottles from which the select governing classes had formerly drawn their strength. Thus the failure to enact electoral reform in Germany⁶ and Hungary⁷ was fatal to any orderly constitutional development and the type of suffrage introduced in 1907 meant, as few realized at the time, the ultimate disruption of the Austrian domain. In the end, too long a delay in undertaking the requisite reforms desulted in the complete collapse of obsolete arrangements in the hour of revolution and the substitution therefor at a stroke of equal,⁸ direct, secret, universal and proportional⁹ suffrage in Germany and the Succession States¹⁰

⁶The problem in Germany was dual, that of extending equal and proportional suffrage in the Reich, together with a redistribution of seats in conformity with the density of population, and, in the various states, principally in Prussia, that of doing away with the absurd class systems and introducing direct, secret voting.

⁷Electoral corruption in Hungary was, in pre-war days, notorious. The fundamental reason for the opposition of the Magyar magnates to a democratic franchise was that it would seriously imperil, if not actually overthrow, their upper class rule. Thus neither Tisza nor Wekerle could force the *boiars* to capitulate to the inevitable and it was left for Karolyi and the National Council to take the step from which the most liberal nobles of the ancient regime had recoiled.

⁸In Jugoslavia the final constitutional electoral arrangements left the franchise question open, despite the pledge made to the nation in the Declaration of Corfu that the Constituent, as well as all other legislative bodies, would be based on *equal* suffrage. The electoral law of 1921, passed after the voting of the constitution, while modifying the arrangements for future parliaments, did not touch upon the question of equal suffrage.

⁹Hungary alone has stood aloof from proportional representation, for reasons that are not far to seek. Neither Karolyi nor Bela Kun, neither Friedrich nor Huszar, dared question the principle of majority rule, for proportional representation in "millenary Hungary" would have delivered the craftily acquired Magyar majority over into the hands of the dissident minorities. Only reluctantly, and under great pressure, did Count Bethlen agree to accept proportional rep-

as the necessary precursor to the creation of real constituent authority. Preuss' ordinance for Germany,¹¹ Renner's for Austria,¹² and Karolyi's law in Hungary¹³ are significant examples.

But the democratic principle thus introduced knew no confinement and quickly added the instruments of direct democracy, either in whole or in part,¹⁴ to satisfy the psychological demands of the new freedom. To state that these controls have not been effectively exercised is immaterial here; they were integral portions of the *Credo* of the political and social revolution which ushered them in. Finally, the cry for a sweeping change in the economic foundations of the existing order led to the demands for vocational representation and the institution of industrial democracy. These were met, in the main, by the creation of factory and mine councils, and, in Germany, by the creation of an industrial parliament, the Reichswirtschaftsrat.¹⁵ Such, then,

resentation in urban constituencies when issuing the notorious Klebelsberg decree of 1922. This mild concession assured both Jews and Socialists some representation, but the government relies upon the rural peasantry for its crushing anti-Semitic and anti-Socialist majority.

¹⁰The final constitutional provisions governing the electorate in the different countries of Central Europe are: For Germany, Articles 22 and 41; for Danzig, Articles 8 and 25; for Prussia, Articles 4-5; for Austria, Articles 10 and 26; for Czechoslovakia, Articles 8-9; for Yugoslavia, Articles 69-71.

¹¹Published in the *Frankfurter Zeitung*, December 1, 1918.

¹²*Staatsgesetzblatt*, 1918, Nr. 14. See also Scampinelli, Paul, *Die Wahlordnung für die Konstituierende Nationalversammlung in Deutschland*, pp. 1-2.

¹³Published in the *Pester Lloyd*, November 23, 1918.

¹⁴Germany went further than the other states by adopting the initiative, referendum and recall (Articles 43, 73-6); Austria adopted only the initiative and referendum (Articles 41, 43-7); Czechoslovakia, only the legislative referendum (Article 47); Yugoslavia, a constitutional referendum (Article 126) in the sense that a general election must be held on the issue of the adoption or rejection of constitutional amendments.

¹⁵This was provided for by Article 165 of the Weimar Constitution and by the Factory Councils Law of February 4, 1920. Austria undertook similar legislation by the Factory Councils Law of May 15,

are the various manifestations of the changes in the exercise of sovereign power, of fundamental political authority, in states undergoing political and partial social revolution.

Eastern Europe, before the war, hardly furnished even electoral anomalies: it had progressed so slightly on the way toward constitutional liberty that only the rudiments of a real franchise system existed in the various constituent portions of Russia, with the exception of Finland. This utter lack of representative institutions of a modern type involved the necessity of creating a political structure virtually *ab initio* in Poland and the Baltic States after the revolution. These turned toward Western Europe for electoral models, each adapting them locally to the exigencies of the moment.¹⁶

In Russia proper the beginnings of an electoral system had been undertaken in an endeavor to find a quasi-representative basis for the Duma,¹⁷ and there was created a complex structure of ascending electoral colleges deliberately planned to permit autocratic control at the top. Analogously, there was organized the party machinery of the different groups, from Cadets to Socialists. Ultimately, as is well known, the Maximalist party organization itself became the basis of the Soviet hierarchy. This Soviet structure, with its pyramidal electoral system, was attempted, outside of Russia proper, only in Hungary, and the Russian¹⁸

1919, but created no industrial parliament; Czechoslovakia passed, in 1920, her Railway and Mine Councils acts (Cf. *Gazette de Prague*, Volume 1, Number 41, page 4 for the Mine Councils Act of February 25, 1920). Yugoslavia provides for the creation of an Industrial or Economic Council by Article 44 of the Constitution.

¹⁶The electoral provisions of the Baltic State Constitutions are: For Poland, Articles 11-12; Finland, Article 23 and the old law of July 20, 1906; Esthonia, Articles 27-29, 36; Latvia, Articles 6-9; Lithuania, Article 31 of the temporary and Article 23 of the permanent Constitution. The electoral provisions of the new Rumanian Constitution are given in Articles 61 and 64.

¹⁷The electoral arrangements for the Duma are described in Miliukov, Paul and Others, *Russia and Her Problems*, Chapter IV; and in Seymour and Frary, *How the World Votes*, Vol. II, 151-174.

¹⁸Articles 10, 64-65; also Federal Constitution of 1923, Part II, Sections 8-10 (*New York Times*, August 12, 1923, Section 8, p. 4, c. 2).

and Hungarian¹⁰ Soviet Constitutions set forth in detail the doctrine of proletarian, rather than popular, sovereignty. In each instance the proletariat was so defined as to include small peasant proprietors as "workers" in a futile endeavor to commit the peasantry to the ways of communism. That this expansion was suicidal for the communists is not of import here; the unique fact remains that in Russia since the Red Terror the enfranchised classes have increased in number, in marked contrast to the actualities in Hungary, where the Magyar landlords, since the White Terror, have succeeded in materially curtailing the number of electors. In brief, the electoral arrangements in sovietized Europe, originally devised for the sake of giving constitutional expression to the doctrine of the dictatorship of the proletariat, seem, under the increasing pressure of the agrarian elements, to be slowly veering toward an expansion of the electorate in the direction of accepted democratic forms.

Turning from this review of the broad phases by which the democratic principle has received constitutional affirmation in the various areas of Europe, it becomes necessary to endeavor to explain the paradox of the creation of dictatorships in countries newly enfranchised or possessing the external appearance of political democracy. No comparable move for the centralization of authority in the hands of single individuals has been witnessed in Europe since the years following the Peace of Westphalia. Analysis, it is believed, shows that the fundamental cause, now as then, was essentially economic in all instances. The need of dictatorial authority to bring about drastic and effective economic reform has been evidenced in various countries facing internal dislocation due to national disaster. It is in this sense that Lenine was the first of the dictators, and Horthy his immediate chronological successor. The rise of Mustapha Kemal, of Plastiras and Gonatas, of Mussolini, Seipel, Primo de Rivera and latterly, Poincare, Stresemann and Marx to the point of dictatorial authority is thus explainable.

¹⁰Articles 66-77. Published in the *Pester Lloyd*, June 24, 1919, and in the *Recueil de Documents Etrangers*, No. 49, September 12, 1919.

Economic crises have not been found capable of solution by protracted parliamentary debate; under such circumstances effective action has been needed for national self-preservation and recovery. The object of the dictators has been single; the constitutional character of the dictatorships varied. Some have been purely military in origin, as in Hungary, Turkey, Greece and Spain, while others have been officially sanctioned by impotent parliaments palpably unable to cope with the existing economic situation, as in Austria, Italy, France and Germany. The dictators, then, have been the natural product of economic necessity, and not of communist, monarchist or nationalist political dogma, for where economic necessity commands, the political constitution must give way.

The duration of such dictatorships presents a problem of an extremely difficult character, since each has been conditioned by the economic forces at work in the countries concerned, and has been capable of existence only under abnormal circumstances. Probably normal political life will return with the balancing of the national budget, but the date of such an accomplishment it is indeed difficult to prophesy. Meanwhile the existence of dictatorships should not in itself be regarded as a disavowal of the political efficacy of democracy. The paradoxical abdication of cherished political liberties by normally democratic, popularly governed countries should not be viewed with too great alarm, for it is explainable in terms of concrete, tangible, economic cause. It is the outward evidence of the imperative necessity of procuring internal national rehabilitation, even at the expense of the normal forms of constitutional government.

DIVISION OF LATIN-AMERICAN AFFAIRS

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PAN-AMERICAN CONFERENCES AND THEIR RESULTS

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New York City

The Fifth Conference

In March, 1923, the eyes of the world were turned upon Santiago de Chile where the Fifth Conference of American States found itself facing a large number of intricate international problems, instead of the relatively simple ones of the past. The most important of these referred to an American League of Nations, the attitude of American nations to extra-continental powers, and disarmament. To these were added certain new social questions such as prohibition and agriculture. Such problems as the reorganization of the Pan-American Union and the codification of international law, inherited from former conferences, also had taken on new and difficult phases because of changes in world conditions since 1910. These difficult political questions faced for the first time in a Pan-American conference meant the complication of the program and the multiplication of difficulties in securing definite results.

This difficulty was particularly acute because of the fundamental difference of conception of the conferences held by the Anglo-Saxon and the Latin elements in the union. The United States delegates went to the conference instructed to do as little as possible in the realm of the political and especially to frown on any idea looking toward an association of American nations in which international problems might be settled. The Latin Americans, on the other hand, believed that the details of commercial coöperation could only be secured after an agreement concerning fundamental

problems. This is the reason the conference lacked decided leadership either from the South or the North: each side was pursuing a negative policy—one negating all tendencies toward an American League and the other negating efforts to further commercialize the Pan-American movement.

The preparations for the conference were entirely too brief. The agenda of other conferences had been approved many months in advance; the topics had been discussed in the press and the chancelleries had studied them thoroughly. The fifth conference was supposed to be held in 1914, but due to the war it was postponed time after time. When the date was finally announced there was far too little time given for the preparation. No such delicate questions as disarmament, a society of nations, a reinterpretation of the Monroe Doctrine, the codification of international law, can be determined in an international conference without the diplomatic departments of the interested governments coming to some agreement beforehand as to the general lines of solution. The agenda of the Santiago conference was not approved until December 5, 1922, and the conference was called for March 25, 1923.

The world had recently become accustomed to conferences where nations faced their differences in the frankest way and entered into open contract to settle their question. The example of the League of Nations was peculiarly forceful to Latin-American countries because the large majority were not only members but enthusiastic supporters of the organization. That the thirty other nations outside America which are members were fully mindful of the influence of Latin-America and were desirous of tying those countries closely to the League was clearly evidenced by their election of a Chilean diplomat to the presidency of that organization. A distinguished Brazilian had served as chairman of the League's council. Add to this the facts that two of the six elected members of the League's council were Latin-Americans, and out of the eleven judges forming the League's world court of justice two were Latin-Americans, with only one North American, one Britisher, and one Frenchman; and the new place that these southern coun-

tries occupy in international affairs will be clearly seen. In 1910 it could be fairly said that Latin-America had no close friends. Today she is the fair Helen whose hand is sought by everyone. With this growing strength, Latin-America met the United States on a more equal basis than at the other conferences.

The conference opened on Sunday, March 25. The inaugural address of President Alessandri was a broad appeal to history as showing aspirations of the great Americans of the past and conditions today demanding the real friendship and coöperation of the American people. It was positive, logical, hopeful regarding Pan-Americanism and expressed a note of particularly friendly spirit toward the United States, though he spoke plainly of Chile's loyal support of the League of Nations. He declared forcefully for arbitration, disarmament, anti-alcoholism, social reform, and an educational program necessary for real development of the American people. The president evidently desired to make particularly clear two points which he considered necessary for the positive advancement of Pan-Americanism: the clearing up of suspicion against the United States and the settlement of Chile's questions with Peru.

ORGANIZATION

The opening session for organization was held Monday, at 3 p. m. After important addresses by the Chilean minister of foreign affairs, Sr. Luis Izquierdo, and the Argentine delegate, Dr. Montes de Oca, the interesting ceremony of electing the president of the congress took place. Sr. Augustin Edwards, of Chile, president of the assembly of the League of Nations, was unanimously elected amid great enthusiasm.

Eight committees were appointed as follows: political committee, juridicial committee, committee on health, committee on communications, committee on commerce, committee on agriculture, committee on limitation of armaments, and committee on education.

The organization of committees and the character of the

sessions of the Santiago conference were different from all the other Pan-American gatherings. Instead of having the committees composed, as formerly, of a few members, at Santiago every country was represented on each one. All the debates of the conference took place in committee. All matters were settled there. This meant that the plenary sessions were of the most formal character, with nothing taking place but the formal approval of reports and addresses on certain topics, generally homages to great men, the calling of conferences or something of such nature.

Each committee of the eight appointed was a miniature conference itself. All discussion of every topic that was to come before the conference was to be heard in one of the committees. The big question was then, were their sessions to be opened or closed? Of course, a committee of three or five people who were to report their findings to a larger body that would pass on them would not care to be bothered with a crowded gallery. But what about a committee which had really, as far as certain subjects were concerned, become the conference itself?

When the question as to whether the sessions of committees should be open to the press was faced, it was decided that each commission would be allowed to decide the matter for itself. To save the humor of the situation, the committee on communications by a narrow margin decided to open its doors. So did commerce and agriculture and hygiene. But the education (think of it!), political, juridical and disarmament committees closed their doors. To close off the public absolutely from all debate that goes on concerning such important subjects as disarmament, arbitration, reorganization of the Pan-American Union, etc., means simply that the public will get its information in a round-about way, with the result generally that a great deal of misinformation will be floating around. Of course, there were the official *communiqués* given out by the secretary of the committee. But these dry statements, after the first few days, were not even accepted by the newspaper men. They went directly to the delegates and, as the individual delegate interpreted the rule of secrecy and according to

the way he viewed the subject under discussion, so the information appeared in the particular paper which the interviewer represented.

As for the public, it promptly lost interest in the proceedings. After the first three open sessions people quit attending. In fact there was no public session for nearly three weeks following the organization of committees.

One disadvantage of doing all the business of the conference in separate committees, with few and formal meetings of the conference in general, was the lack of developing a common mind, an *esprit de corps*, a crowd psychology, or whatever you might call that which one feels when he enters a body that has worked together long enough to have come, like a great orchestra, to feel and move together. A stranger coming into a meeting of the conference would have had a hard time receiving any particular impression as to what the conference was doing or feeling or planning. The conference never "found itself." It never developed its own peculiar individuality. It lacked leadership for the simple reason that there was no chance of displaying leadership. There was no place for the president, for example, to show his ability to direct the mind to a great constructive task. This is the reason, no doubt, that there is such a wide difference in judgment as to the results of the conference. Those who were members of the various committees know how hard they worked and how many separate things they accomplished. Pile all of them up and they make a big pile. But they are not a common whole. They do not betray a common mind. They do not point to one great object. They are all right as separate accomplishments, but they lack unity. They are not sufficiently unified, in other words, to impress the public, which cannot be expected to follow all the details, with the idea that a great united forward move toward American solidarity was made at Santiago. The brilliant work of eight committees did not make a Pan-American conference.

The Santiago conference had eighteen subjects on its agenda—by far the largest number any Pan-American conference ever undertook to face. These might be divided into

three parts. In the first place, there were the practical questions of coöperation in commerce, education and hygiene, about which there was general agreement as to the need of coöperation and differences only about method, in which the conference made large progress. Second, there was the question of a closer political coöperation of the American states, involved in the numbers on the agenda referring to the formation of an American League of Nations, a common attitude of all American nations toward any exterior force that should attack any American nation, the reorganization of the Pan-American Union, about which there was a wide difference of opinion, but in which considerable progress was made. Third, there was the question of disarmament, concerning which no agreement was reached. The conference was divided into eight committees to which the eighteen different topics on the agenda were referred. The commerce, communications, hygiene, agriculture, and education committees had practical programs before them and began to get results immediately. Their reports show that the conference was entirely worth while. If the results of the conference were judged by their accomplishments, instead of by those of the other three committees, no one would think of calling the conference a failure.

COMMERCE

The commerce committee worked harder and accomplished more than any of the other eight committees. Ever since 1889 there has been an endeavor to frame a trade mark convention that would be acceptable to the United States, a manufacturing country, and to the Latin-American countries, which produce only raw materials. Finally, at Santiago, the agreement was reached that protects fully the laws and conditions of each American country, and at the same time provides a way for the registering of trade marks by a simple process in every American country. The two most important provisions in this convention are that goods cannot be stamped as manufactured in any country but the one where they are actually made and that no trade mark

that has been legitimately used in one country can be used by another firm in any American country. The registration centers previously established at Havana, where the firms of all northern countries are to register their trade marks, and at Rio de Janeiro, where all southern countries are to register, were organized on a more acceptable basis. A maritime code was adopted which will make shipping much more easy. Uniform nomenclature for customs documents and the cooperative publication of tariffs were provided. A sample fair, similar to that which has done so much for the promotion of international commerce in Europe, was planned. For the first time in these conferences the United States delegation seemed to be able to see the viewpoint of the Latin-Americans and be willing to adopt resolutions that would take into consideration their special conditions.

HYGIENE, AGRICULTURE AND EDUCATION

The committee on hygiene did another notable piece of work. Under the leadership of Dr. George Vincent, president of the Rockefeller Foundation, a complete program for public health in America was worked out. To this committee was also referred the topic proposed by Venezuela concerning the reduction of the use of alcohol in America. This was one of the new social topics which the conference faced and shows the new social movements that are developing so rapidly in Latin-America. The United States delegation felt that this topic should not be pushed by them, but the Latins showed themselves anxious for a thorough campaign of education in the matter. The resolutions provided for compulsory education in schools on the harm of alcohol; for high license, closing of saloons on certain days and hours, prohibition of their locations near certain public buildings, prohibition of international commerce in alcohol with prohibition countries, and other means of reducing the problem.

The committee on communications studied carefully the new conditions brought by the introduction of wireless tele-

raphy and airships. Both of these are taking on great importance in Latin-America. Formerly it required a week or ten days to go from the nearest Colombian port to the capital city of Bogota. Now there is a daily aeroplane service that makes the trip in sixteen hours. The Radio Corporation of America is planning extensive enlargements in South America and had their representative at Santiago. The committee on agriculture had to break new ground since it was the first time the subject had been considered. They accomplished some important things in regard to exchange of information on the subject, exchange of seeds and plants, and the protection of plants and cattle from disease. The committee on education recommended the holding of a Pan-American educational conference in Santiago in 1925, to consider the problems of exchange of students and professors, standardization of courses and credits, and honoring of university degrees. They were able to make little progress on the difficult question of copyrights. Argentina's recommendation for the larger use of manual training and industrial arts in education was adopted with enthusiasm. The revival of student conferences, formerly a strong influence in international education, was recommended. The mere list of future Pan-American conferences requested by the various committees to consider special problems indicates the very large number of subjects treated and the value the delegates came to place upon getting together to study, after careful preparation, these various questions. Among the conferences asked for are those referring to hygiene, education, geography, the press, eugenics, international law, students, communications, engineers, and coffee growers.

PAN-AMERICAN UNION

There was strong opposition at Santiago toward making any definite steps toward a close association of American states. But as the conference moved along, it was evident that in the minds of a large and influential part of the delegates, the idea of an American league was firmly fixed. Indeed, in the debates of the conference it was stated a num-

ber of times in so many words. There were two ways, according to the agenda of the conference, in which this league might become an accomplished fact. One was by the acceptance of Uruguay's proposal and creating an entirely new organization. The other was by enlarging the Pan-American Union. It was in the debates on these two questions, and in the oft-repeated theme of American international law, that the idea of an American league was approached again and again, in spite of the displeasure that such a suggestion brought to some.

An analysis of the organization of the Pan-American Union at this time showed the preponderance of one of the twenty-one nations in the following respects: (1) Location of the one seat of the union in its capital; (2) Membership of the union confined to diplomatic representatives of twenty American countries before the one government where the union is located; (3) Representation of this one government in the union by the secretary of state, who therefore outranks diplomatically all other members; (4) Permanent presidency of the union conferred on the said secretary of state. Add to these considerations the facts that the director of the Pan-American Union has always been a North American, that the largest part of the literature circulated is in English, that the largest use of the union is made by North American commercial agencies and that the United States contributes the largest share in the financial support, and the predominance of one nation is further seen.

That certain of these points are inevitable is understood by all. All accept Washington as the best location and with that goes the North American directorship and emphasis on serving North American commercial interests. The objection turns on our saying to each sovereign government that it must name as its only representative in the union the minister it has named to Washington; and that, if it has no minister at Washington, it can have no direct representative in the Pan-American Union. As one of the most fair-minded Latin-Americans said: "What we want is to be able to go directly to our home in the Pan-American building and open the door and enter of our own right—not, on

arrival, to find the door locked and to have to go to a neighbor's house and ask him for a key."

The further limitation in having the diplomatic representatives of these countries before the Washington government is seen in the fact that these men would naturally be reticent in dealing with all American subjects today, when tomorrow they would have to appear before the president of the same company to treat questions between the two individual governments. An attitude assumed by a minister in the Pan-American Union which was displeasing to the secretary of state, might the next day influence the secretary to decide against the request of that minister. A minister must be recalled if he criticizes the government to which he is accredited, but as a representative of an international organization it might be his duty to speak in such a way as to involve criticism of that government.

At Buenos Aires these limitations were stated, but the only correction admitted was one providing that a country not represented in Washington might confer its representation on some other member of the governing board. Of course, this satisfied no one. The point was held over in the minds of certain Latin-American delegates till the Santiago meeting. Evidently this was forgotten by the United States delegation, whose duty it was to present the report on the reorganization of the Pan-American Union; for they presented practically the same plan as agreed to in the fourth conference. This was a great diplomatic blunder. If the United States delegation had themselves recommended making the union less preponderantly controlled by their country instead of having the suggestion come from other quarters, they would have brought many friends to their side immediately.

The question was made particularly pertinent at Santiago by the absence of Mexico from the conference, which was explained by the Mexican minister in Santiago in a long statement to the press which showed that because Mexico was not recognized by the United States she could have no voice in the Pan-American Union.

As was expected by all except the United States delegation, when that delegation presented the old formula for the constitution of the governing board, a counter proposal was presented by the Latin-American countries, acting through Dr. Alvarado Quiros, the Costa Rican delegate. In presenting the proposal for a change of basis of membership, Dr. Quiros brought out the preponderance of the United States as already indicated. It is not necessary here to trace the various turns of the long debate caused by the Costa Rican proposal that the governing board be composed of representatives named by the governments concerned, with liberty to name either their diplomatic representatives or others, if they saw fit.

The United States delegation objected to this on the ground that the prestige of the union would be seriously crippled if it were composed of other than the diplomatic representatives of the various governments, the highest representatives of their countries and the ones who had direct access to their governments in treating all international questions. They feared that a double representation might also at times bring division between the ministers and the representatives of the same governments before the union. In their strenuous opposition to the change, they stated that it would probably mean the beginning of the end of the organization. This the Latin-Americans took to mean a threat of withdrawal, though it probably meant no more than the fear on the part of that delegation that the United States government, the public, and the other American foreign offices would not take seriously the union.

The compromise formula finally agreed upon provided that ordinarily the governing board should be composed of the diplomatic representatives of the American countries accredited to Washington and the secretary of state of the United States, but any government that did not have a representative at Washington might appoint a special representative; and that, even in the case of temporary absence of a state's diplomatic representative from Washington, that state might appoint a special representative before the union. The United States delegation had early accepted the amend-

ment providing for special representation when any country was not in diplomatic relations with Washington, but it was only when the latter point was also accepted along with the proviso that the presidency of the union should be elective, that the Latin-Americans were satisfied enough to allow their other demands to go over till the meeting of the sixth conference.

It is important to note that the preamble adopted at Santiago states that the American republics enjoy "as of right" representation in the union. This was inserted at the request of some of the Central American delegates to remove further the implication that only those governments that had relations with the United States could count on membership in the union. It was further provided that the presidency of the board should be elective, instead of the secretary of state being designated by statute. There is a feeling that so long as the secretary of state represents the United States he will be elected as president, but that the day will come when the United States will appoint a representative to the union that will not be of superior diplomatic rank to the other members of the board.

The whole debate was carried on with frankness, albeit at times with considerable heat. The compromise reached was the more acceptable, since the original amendment proposed by Costa Rica was referred to the governments for further study.

The significance of the struggle just described would be entirely missed if it were taken as simply the desire of certain governments to liberate themselves from the tutelage of the United States. For the real meaning of the struggle was the desire of its supporters to enlarge the scope of the Pan-American Union into an inclusive international organization which would treat all inter-American questions. "*Hacia Una Liga Americana*," is the way *La Nation*, of Santiago, headed its report of the proposal for a reorganization of the union. But this movement preceded the Santiago conference. It was at Buenos Aires that the Venezuela delegation proposed the important Article III, which provided for Pan-American commissions connected with each ministry

of foreign affairs, which should look after the interests of Pan-Americanism and have the right to propose new projects to the union. The object was to save the union from becoming a bureaucratic commercial organization in Washington and to make it function for the practical needs of all the American governments. That these commissions have done little so far has only multiplied the desire of finding ways of increasing the powers of the union. At the fourth conference it was also argued that the union should be a kind of loose American federation with the conferences constituting the legislative body and the governing board of the union the executive.

At Santiago this idea was still further enlarged, when Costa Rica proposed an American international court, before which American questions should be settled. This court, it was argued, would greatly promote Pan-Americanism because it would be the means of settling many questions which, as long as they held over, although sometimes seemingly unimportant, would greatly affect American harmony. The court would not conflict in any way with the World Court at The Hague, which could not be expected to have the time and understanding to adjudicate purely inter-American questions. With the conferences representing the legislative, the Pan-American Union the executive, and an American court the judicial, a complete inter-American government would thus be in existence, even though loosely joined together.

The first suggestion made at Santiago for the enlargement of the scope of the union was the proposal of Chile to create four permanent commissions, on economic subjects, on labor, on hygiene, and on education. The union was directed to coöperate also with other organizations working in the same field, such as the American Institute of International Law and the Inter-State High Commission. It was especially charged with studying the legal and economic status of women. The number of new activities the union was requested by the Santiago conference to undertake would make a most inclusive list. There was a general feeling that the union must be made a strong practical

working force in every field that would promote continental unity and help the countries to solve common problems.

Besides the enlargement of the Pan-American Union, the other way that was proposed to bind the American nations together in a closer union was by the clear-cut formation of an entirely new organization, known as the American League of Nations. This proposal was first made by President Baltazar Brum, of Uruguay, in 1919. His government submitted it as a part of the program for the Santiago conference, and although some would like to have seen it omitted, there was no public reason to be given for not considering the subject, so it was made theme No. XI of the agenda. The Uruguayan delegates had evidently received word from influential quarters that they ought not to push their project, for on arrival at Santiago, they announced that they did not expect definite action on the matter at the conference. While there was no announcement, it was generally understood that the United States was the one that made the request of Uruguay; for several times in committee debates, that delegation announced that its government was not favorable to any kind of a league that would take up political questions. With this strong influence against the proposal, many supposed that the matter had been dropped, but the Uruguayan delegates were only biding their time. Toward the last of the conference, Dr. Buero presented the project, along with the other Uruguayan proposal, closely related, concerning the questions arising out of an encroachment by a non-American power on the rights of an American power. The presentation of the subject was the signal for Colombia and other delegations to make some very strong statements concerning the need of defining the Monroe Doctrine. This was one of the nicest little diplomatic plays of the conference—the United States delegation working to keep the subject, especially the Monroe Doctrine side of it, out of the way, and certain Latin-Americans succeeding finally in jockeying it to the fore. They were quite surprised in that discussion to hear the head of the United States delegation, Ambassa-

dor Fletcher, state that the Monroe Doctrine was a unilateral doctrine, for which the United States had been and must continue to be, the one responsible party.

INTERNATIONAL LAW

In no previous conference was there so much said about international law. The commission of jurists to codify American international law was resurrected and a meeting of this commission was set for 1925 in Rio de Janeiro. To this meeting were referred a number of important questions on which the conference was not prepared to take action on short notice, such as the proposal of Costa Rica for an American court of justice. The conference accepted the inclusive statement of Dr. Alejandro Alvarez, as the basis for the work of codification to be done at Rio de Janeiro. This code of Dr. Alvarez provides for the embodiment of the principles of the Monroe Doctrine, non-intervention, rights of foreigners, collection of pecuniary claims, citizenship of children born of foreign parentage, arbitration and other principles of American international law needing definition. If the American governments will take seriously the coming meeting at Rio de Janeiro and appoint their representatives soon so that real study of these important subjects may precede the gathering itself, it ought to accomplish large things for American unity. It will be remembered that as far back as the second conference at Mexico City, in 1901, the plan for codification of American international law was approved, and in 1912 a conference for this purpose did meet in Rio de Janeiro. The field was then divided among six different commissions, that were to work in as many centers in America. But the World War interrupted this task and the work of Dr. Alvarez was all the Santiago conference had before it. Fortunately, this had been done with care, and while it would naturally not meet with unanimous approval, the conference felt encouraged to see that such a difficult accomplishment was possible, and with enthusiasm voted for its revival, with Dr. Alvarez's work as a basis.

Thus it can be seen that by a more democratic organization of the Pan-American Union, with an enlargement of its functions, a belated discussion of the proposal for an American league of nations, with its reference to the Pan-American Union for further study and report to the conference meeting in Havana, and the calling of a jurists' conference at Rio de Janeiro to codify American international law and consider various other questions relating to American peace and coöperation, the Santiago conference at least laid the rails for a larger movement toward American unity.

DISARMAMENT

The subject of disarmament was the one which the public followed with greatest eagerness. The failure to arrive at any definite agreement on this question was a signal for many to call the conference itself a failure. This is evidently unfair. In the first place, the question was limited to three of the eighteen countries represented, Argentina, Brazil and Chile. The United States considered that her action in the question had already been decided upon at the Washington conference, in agreement with the other four great powers. The other American countries have no navy, so did not consider themselves as interested since the reduction of land forces was not considered. In the second place, the A. B. C. countries themselves have no navies to reduce, unless they are to disappear entirely. Argentina has two old battleships of the dreadnaught type. Brazil has a like number of battleships, built more than ten years ago. Chile has one battleship, this being the only one of the five in Latin-America that could be called modern. The idea, then, before the conference, was not to "scrap" a lot of ships, as it was at the Washington conference, since any "scrapping" would have meant the elimination of the navies. The question, as stated on the agenda, was to study the reduction of military expenditures on some just basis. The debate was around the question of limiting the tonnage for the future.

There is no need to follow the turns of the long debate. Brazil said she needed a larger navy for defense reasons be-

cause of her long coast and her disturbed international conditions. She had no warlike intentions, was willing to discuss limitation, but believed the discussion should only be between the three interested countries. Argentina wanted an agreement that would keep conditions in status quo, so she would have to make no further expenditures on armament. She believed the subject was of interest to the smaller neighbor countries as well, and should be treated by all America openly. The president of the committee was Mr. Fletcher, head of the United States delegation, and the reporter was Señor Heuneus, of Chile. The discussions were carried on with the greatest possible secrecy, and there was no way for public opinion to focus itself on the subject. Public opinion is about the only force that has ever reduced armaments and it would have brought some action at Santiago if the secret discussions had not protected the debaters. The only discussion which the public heard was on the last day of the conference.

It was an historical occasion, with all the settings for a great meeting. The secret sessions of the disarmament committee had resulted in a complete failure to agree. For the first time, each of the three great leaders of the countries involved, Chile, Argentina and Brazil, was going to make his plea for public approval. What looked like a burial was turned, by these great addresses, into a resurrection—a resurrection of the good feelings which had been lost for the last few days when secret diplomacy came to light and recriminations were in the air. The audience and the orators were keyed up to the highest pitch. Heuneus, of Chile, spoke without notes for an hour. Then came Montes de Oca—clear, stacatto, every phrase a sledge-hammer blow. Argentina had no resentment, but she must tell the world of her disappointment, that the conference had reached no decision to limit armament. Argentina had not bought a single cannon or a single ship since 1911. Argentina had been straining every nerve to build up her schools, and now she could announce to the world that she had two school teachers to every soldier. She had come to the conference hoping for an agreement on severe reductions. She

returned home disappointed, but with no rancor, anxious to continue negotiations with individual governments to disarm till the last gun had been turned into a machine in a factory. Mello Franco made an impassioned appeal for Brazil's position and declared that she had not the least militaristic motive. But the fact that Brazil had opposed from the first any reductions, did not allow him all the sympathy that his wonderful oration would otherwise have brought. That one public meeting was sufficient to show what the results would have been if public opinion had played on this question.

The disagreement on disarmament cannot be minimized. It is a serious matter, which may easily grow into a race for military prestige which this young democratic continent, with the lessons of Europe before it, cannot in the least afford.

During the tensest days of the disarmament crisis in Santiago when everyone was anxiously asking if there were any possible way out of the deadlock, there was one man who had a positive answer. This was Don Manuel Gondra, former president of Paraguay, representative of his government at Washington and head of the Paraguayan delegation at the conference. Ten days before he made his famous proposal to the conference, he said to me:

The solution of this question of disarmament lies in an understanding of the purposes behind armament. I believe the way out of the present strained situation is for the conference to swing from the consideration of just the amount of military and naval strength the various countries have and what they should be allowed, and face up to the question of limiting the use of these forces. My plan is for all the American countries to sign together, as a continental pact, that which they all signed individually with the United States before 1914, known as the Bryan formula. This provided, when there arose any difference between the two contracting parties, for a commission of inquiry which, after thorough investigation, should report the results of its study. While these results were not to be binding on either party they naturally would have a moral effect, especially since the agreement was further made to post-

pone any bellicose action for one year. If all the American countries would sign together such a pact, whatever might be the amount of military force each had, a war between these countries would be very difficult.

Dr. Gondra later proposed this idea to the conference, and it was adopted, thus making the one practical action of the conference for inter-American peace. This convention provides that:

All controversies which for any cause whatsoever may arise between two or more of the high contracting parties, and which it has been impossible to settle through diplomatic channels or to submit to arbitration in accordance with existing treaties, shall be submitted for investigation in the report to a commission to be established in the manner provided by Article IV. The high contracting parties undertake, in case of disputes, not to begin mobilization or concentration of troops on the frontier of the other party nor to engage in any hostile acts or preparations for hostilities from the time steps are taken to convene the commission until the said commission has rendered its report or until the expiration of the time provided for in Article VII.

Two commissions to be designated as permanent shall be established with their seats at Washington and at Montevideo. They shall be composed of three senior American diplomatic agents accredited in said capitals and at the call of the foreign offices of those states they shall organize, appointing their respective chairmen. Their functions shall be limited to receiving from the interested parties the request for a convocation of the commission of inquiry, and to notifying the other party thereof immediately. The government requesting the convocation shall appoint at the same time the persons who shall compose the commission of inquiry in representation of that government, and the other party shall likewise, as soon as it receives notification, designate its members.

The party initiating the procedure established by this treaty may address itself, in doing so, to the permanent committee which it considers most efficacious for a rapid organization of the commission of inquiry. Once the request for convocation has been received and the permanent commission has made the respec-

tive notification, the question of controversy existing between the parties and as to which no agreement has been reached will ipso facto be suspended.

The commission of inquiry shall be composed of five members, all nationals of American state, appointed in the following manner: Each government shall appoint two at the time of convocation, only one of whom may be a national of its country. The fifth shall be chosen by common accord by those already appointed and shall perform the duties of president. However, a citizen of a nation already represented on the commission may not be elected. Any of the governments may refuse to accept the elected members, for reasons which it may reserve to itself, and in such event a substitute shall be appointed, with the mutual consent of the parties, within thirty days following the notification of this refusal.

ARBITRATION

The doctrines in conflict at Santiago in regard to arbitration between Latin-American nations were the ones related to pecuniary claims and a definition of cases that should be submitted to arbitration. In the first case the thesis, which may be called Ibero-American, is never to take recourse to arbitration except in case of denial of justice by the tribunals of the debtor country and after the arbitrator has declared such denial to have been made. This thesis, supported by the delegation of Uruguay, already has international life in treaties entered into by Uruguay with Great Britain, France, Sweden, Spain, Brazil, Bolivia, Peru, Venezuela and Colombia. (Document R 133 (c)—proposed by the Uruguayan delegate, Mr. J. J. Amezaga.)

The United States delegation proposed that in view of the different elements that can be considered in a denial of justice to warrant such denial and in view of the great number of cases which the governments may justly consider as of a diplomatic nature, it is preferable to leave such cases to be adjusted by the general principles of international law in accordance with the merits of each particular case. To endeavor to define more clearly concrete rules which shall regulate the arbitration of pecuniary claims,

would produce only confusion and would not advance in any way the cause of arbitration.

CONCLUSIONS

In conclusion, I should like to set down certain impressions which the conference made on me and on many of the delegates with whom I conversed during the six weeks' sessions. These impressions made by the conference, however, do not necessarily mean that one would get the same ones if he talked with people outside the conference circles. But in Santiago, I very definitely felt the following:

First: The Santiago conference showed that Pan-Americanism is a reality, that there is "an American system," as Henry Clay predicted, which differs from all other systems of the world. Difficulties and misunderstandings unfortunately prevented the realization of the hopes of many, that the conference might do some big thing in the way of pointing a tired and discouraged world toward new paths of peace and happiness. But the difficulties in the way were always recognized as family difficulties and there was little indication that any of the members would be willing to break the family group because of these differences. The fact that most of the Latin-American countries were members of the League of Nations and that the United States was not, caused considerable embarrassment. It prohibited the taking of many steps in international coöperation that would have been easy had the United States been in a different position. But the states that were members of the League and were thereby committed to an advanced policy in international activities showed a willingness to be patient in those matters, evidently believing that the United States would soon be ready to fall in line with this new day of international coöperation.

Second: While America recognized herself as occupying a peculiar place among the nations of the world with her particular life and problems, she nevertheless is sensitive to her relations to the rest of the world and is anxious to maintain open fellowship with Europe from whence

she has drawn her life and civilization. In other words there have come to be in the world today two international systems, one European and the other American. The Santiago conference demonstrated that the Latin-American countries had now grown strong enough to balance their end of the American continent. Once feeling their strength sufficient to fight and gain their own place in an American system, they were willing and glad to have such a system appear. At Santiago it was shown that the World War had made it plain to America that she had a different political system from Europe, even if the war had brought the two continents closer together in certain ways. More than ever before it was realized at Santiago that the American nations must go forward in building up their own system of life and of law. On the other hand, more than ever before, it became clear that the American system should have its connection with the European system. But it was a pretty general feeling that this was a connection, not a dependence. A world League of Nations was a necessity, it would seem, and there could not be full coöperation between the American nations until they were all members of that League. But on the other hand, America needed its own independent organization to work out the problems of its own independent American system.

Third: Pan-Americanism is no longer, if it ever was, a question of understanding and coöperation between the United States on the one hand and all the Latin-American states on the other, but has come to be a complex matter, when different Latin states are sometimes as likely to differ among themselves as they are with the United States. The Pan-American Union has naturally in the past developed its programs, collected its statistics, published its literature from the standpoint of coöperation between the United States and Latin-America. The Santiago conference emphasized the fact that the time has come when the whole work of the union will have to be reshaped to play across the field that is directly between the various Latin-American countries themselves as well as directly up and down the

line; that is, between the Anglo-Saxons of the North and the Latins of the South.

Fourth: There was a frankness about the Santiago conference that distinguished it from former gatherings. This was probably due to at least three things, the growing power of the Latin-American states, the growing recognition of their importance by the United States, and the general development during recent years of the idea of open diplomacy and the rights of small nations. In the Buenos Aires conference there was such fear of any impression getting out concerning a difference of opinion that there were no minutes kept of the committee meetings. Seldom did any delegation get the courage to openly challenge what the delegation from the United States might desire. At Santiago not only were such challenges made, but the United States delegation itself urged that all should express themselves in the frankest way. So while there is still much to be desired in the fullest frankness in debate, it can be said that the Santiago conference greatly advanced this matter.

Fifth: There is a universal feeling that the Pan-American Union must enlarge and broaden its field of labor. Even the United States delegation, which did not favor any movement toward an American league, often said that the union must be given more to do. International life has become so complicated in these days that international organization is indispensable. The growth of American nations has brought any number of new problems. These must not be allowed to drift without settlement. The Pan-American Union must take its work seriously, tackle these problems with firmness and without too much fear of the critics. The union received no uncertain order from the Santiago conference to study the question of its own further reorganization, the formation of an American league, the calling of a number of Pan-American conferences, the bringing into its coöperation various other Pan-American organizations, the development of many Pan-American movements. To carry out these many instructions it may need further financial help. Certainly it will need more experts on its

secretariat and will demand much more attention from the members of the governing board.

Sixth: One of the great needs of these Pan-American conferences and of the Pan-American Union is to get more of the public's attention. The organization of the sixth conference should be carefully studied so that a median position may be found between the first conference at Washington where all debates were held in public and at Santiago where they were all held in private. Any thoughtful person must realize that an international conference must not be turned into a public oratorical contest in order to please the people. But it is just as fatal, as the Santiago conference abundantly shows, to shut the public out from all discussion. The feeling that the public generally received of the failure of the conference came directly from its not being allowed to know what the conference was doing. It cannot be stated too strongly that if the Pan-American movement does not wish to be again judged by the public as it was at Santiago, it must, both at the conferences and in the operation of the Pan-American Union, take the public into its confidence. The assembly of the League of Nations, the meetings of its committees and most of the sessions of the council of the League are open to the public. This has greatly strengthened the League with the public and it shows there is a way of working out this matter for the Pan-American movement without crippling its effectiveness.

Seventh: Political and social questions would seem to have come to stay in the Pan-American movement. Since the first conference in Washington, which was called primarily for commercial purposes, there has been reluctance on the part of some of its members to have these conferences deal with political questions. But the Santiago conference was so insistent in facing these questions and introducing new social questions such as those concerning labor and women that it may be taken that Pan-Americanism will be compelled, as have the League of Nations and other international organizations, to face these problems without blinking. If the sixth conference would include the questions of immigration and improvement of the aborigines,

it will have brought into its purview about the last two great problems of America.

Eighth: The Santiago conference demonstrated clearly the need of plenty of time in preparing for such important international gatherings. If such conferences are to accomplish anything of great importance, such matters must be largely worked out in the offices of the various governments before hand so that their delegates can go forward according to instructions. As a corollary to this preparation by governments the preparation of the public should be mentioned. The agenda should be in the hands of the press months before the conference meets and the event should be taken as a signal for wide discussion in the press, in public forums, in educational centers and all other places where public opinion is formed, for the purpose of awakening an intelligent interest and securing the backing of the best elements of the people in all the continent.

Ninth: In the appointment of delegates to Pan-American conferences, governments should, whenever possible, select at least one delegate who was a member of a former Pan-American conference. It was very clear at Santiago that men who had worked either in those gatherings or in other international bodies were much more useful than those who approached the questions related to international coöperation for the first time.

Tenth: The most important diplomatic posts for American governments are in America. In the past diplomats have too often regarded it as a trial to be sent to a sister nation in America, counting that only European posts were of importance. The important problems faced by the Santiago assembly abundantly showed that the American governments should select their best men for American service, since it is on this continent, not in Europe, that they are faced with their most important problems and largest opportunity for international service.

Eleventh: The conference of jurists called for Rio de Janeiro in 1925 should have the most careful preparation. The Santiago gathering referred to it some of the most important questions which America is facing today. If

the governments allow this conference to be held without any preparation by the specialists in international law and those grave questions referred to it are passed on to some other "limbo" as they have in the past, it will be a terrible blow to inter-American coöperative life. With vigorous preparation the Rio de Janeiro conference may become one of the great milestones toward complete harmony in the American family.

Twelfth: Frankness and large mindedness won every time they were tried at Santiago. They should be tried more often at Havana. The idea that if you do not admit that your delegation or your country were ever wrong, no one else will ever think so; that if a difficult problem is dodged it is settled; that it is good diplomacy to suppress all differences of opinion—those ideas should be relegated to the nursery, where the whole life is make-believe. Nothing is more amusing in these international conferences than to see some official come before the public believing that because he has bedecked himself with wings therefore everyone believes he is an angel. Such persons would find it wholesome to mix, incognito, with the newspaper men to find out how much the actor himself is the only one fooled. In the degree that the Havana conference advances in frankness, in that same degree it will advance in success.

Thirteenth: One of the side-lights on the fraternal spirit among the American nations was the attitude that the conference took toward the three absent members of the union. In the opening address, President Edwards promised that the conference would endeavor to remember the interests of these countries at every turn, and that promise was kept. In all the conventions and resolutions passed there was a way made for the absent countries to take part. Frequent reference was made to them in debates and addresses. This had not occurred in other Pan American conferences and is indicative of the new feeling that America must move as a unit.

Fourteenth: The magnitude of the Pan-American movement was manifested in a striking way by the large number of themes of every kind that were discussed at the confer-

ence. A list of the various conferences recommended to be called by the Pan-American Union is one way of appreciating how inclusive this movement has come to be. It is a far cry from the simple work commended to the first bureau of American republics by the Washington conference to the many themes treated and commended to the present Pan-American Union by the Santiago gathering. With such a complicated program this movement now challenges large attention—not simply an hour or two at long intervals, such as might have been considered sufficient in former days. If it does not get the large attention it needs, the complication of subjects may mean simply the clogging of the machinery and the defeat of the very movements which have been made a part of the Pan-Americanism program.

In the final analysis, when one thinks over all that was done at Santiago he comes to realize that the conference was either a success or failure in the degree that the Pan-American Union carries out the resolutions and plans there made. In spite of all the hesitation displayed at the fifth Pan-American conference, the rails were laid for a great advance in Inter-American coöperation. More, much more, might have been done in the conference itself in building the equipment that should run on these rails. Since nothing but the rails were laid, it is left squarely to the Pan-American Union, the executive body functioning for the conference, to carry forward these plans. If this is done with courage as well as with tact not only will the critics of the Santiago gathering be driven to cover, but, better, the American continent will have developed an active, positive coöperation which will do greater things for peace and prosperity, than could any *laissez faire* attitude which some desire. It is hoped that the United States government particularly will honestly and frankly face the questions concerning an American league of nations, which the Latin-American delegates so earnestly advocated at Santiago as the means of providing permanent peace on this continent.

In this connection it would be well to re-read the words of the director of the Pan-American Union himself, when he said in addressing the University of Chile, "An endeavor

must be made to convert into reality this aspiration for peace. The people of America should be taught that peace is not simply a negative thing, that it is much more than an absence of hostilities. Peace is a positive thing that implies the contribution of international services, the contribution of help in the solution of common problems, and above all the elimination of those sinister forces which breed in the world misunderstandings and antagonism." ⁴⁵

If the Pan-American Union follows this positive program, the Havana conference will open with a background of accomplishments and experience which will allow its members to go forward into a still larger program of coöperation and gain a greater prestige for the Pan-American movement. But if the executive body fails to carry out with vigor this program, it is difficult to see how the next conference can fail to receive a much less favorable judgment than have the Pan-American conferences of the past. The author of these lines has just visited the offices of the League of Nations in Geneva, where he was deeply impressed with the efficiency, tact and vigor with which the League is attacking, under more difficult conditions, many problems similar to those that the Santiago conference referred to the Pan-American Union. With a much less complicated situation in America, one is therefore encouraged to look forward to the accomplishment of large things within the next few years in the field of American international coöperation.

NEWS AND NOTES

NOVEMBER, 1923—JANUARY, 1924

MEXICO.—The split between de la Huerta and Calles indicated in the last issue of this *Quarterly* led to an open revolt on December 6. The fact that Calles, though a member of the Coöperatista party, was strongly inclined toward communism, led to a division of the Coöperatistas and to his expulsion from that party, although a minority of the Coöperatista deputies organized the Coöperatista Revolucionario to support the candidacy of Calles. In a special meeting of the Coperatista convention in the City of Mexico in the latter part of November, de la Huerta intimated the possibility of a revolt. This possibility was realized on December 6 when five states took up arms in support of the de la Huerta cause. Justifying the final break with the administration, de la Huerta accused Obregon of perpetrating electoral frauds in the state of Vera Cruz, of refusing the support of the government to the constitutional government of Michoacan, and of severing San Luis Potosi from the federal pact by attempting to forcibly dissolve the legitimate local authorities. Other charges were to the effect that Obregon had plotted the assassination of certain deputies and corrupted deputies and senators with promises and gifts, had surrounded himself with political mercenaries, had nullified by executive order the supreme court of the nation, had sought to control the election machinery, and had armed political agitators. Should he be returned to power, de la Huerta promised to correct these evils and to inaugurate a number of reforms including: abolition of the death penalty; guarantees of life, liberty, and property of all natives and all foreigners; security of the rights of employers and employees; and finally land and justice for all, the government to divide the land in strict conformity with the provisions of the federal constitution.

The initial outbreak occurred in the state of Vera Cruz. All of the federal commanders in the Gulf area, with the exception of General Berlanga, adhered to the cause of de la Huerta. The capture of Berlanga in the successful assault on Jalapa, capital of the state of Vera Cruz, on December 9, completed the rebel control over the entire gulf coast, except Tampico, as well as of the naval forces operating in the Gulf of Mexico. Meantime de la Huerta, the generals supporting him, and the Coöperatista deputies who had fled from the capital set up a provisional government in Vera Cruz. In less than two weeks from the initial outbreak, the disaffection had spread to the states of Aguascalientes, Coahuila, Guanajuato, Guerrero, Jalisco, Michoacan, Nuevo Leon, Nyarit, Oaxaca, Puebla, Sinaloa, Sonora, San Luis Potosi, Tamaulipas, Tlaxcala, Vera Cruz, and Zacatecas. Since that time reports indicate fighting in the additional states of Chihuahua, Hidalgo, Mexico, Morelos, Tepic, Tlaxasco, and Yucatan. Supporters of de la Huerta control the Gulf,

and have cut communications with the Pacific coast, but they have been unable to challenge successfully the government's control of the cities along the United States boundary. Conflicting reports have made it impossible to judge the success or failure of the revolutionary movement, though it is evident that no real victories have been gained by either side on the important Puebla front, the zone between Vera Cruz and the capital. Spasmodic victories of the revolutionists in the more remote sectors apparently have failed to shake the president's position; for early in January, President Obregon stated that he did not intend to use the extra powers congress had conferred upon him in view of the unsettled condition of the country.

That the revolution is going against the forces of the Obregon government was the conclusion reached by a New York Times correspondent on January 24, based on "unimpeachable official sources." "It bears out generally the contention of the de la Huerta representatives that their revolution is gaining and Obregon losing, but was obtained wholly independent of rebel or other Mexican reports on the situation. As a matter of fact the reports given out by the rebel agents have generally stood the tests of verification, while many of the statements issued by the Mexican government and its embassy here have proved unfounded or greatly exaggerated." This conclusion lends credence to the rebel report that Mexico City is in the hands of "direct action" reds who are responsible for the murder of one Mexican senator and for the kidnapping of two senators and two deputies. The Federation of Syndicate Laborers gave senators and deputies known to be favorable to the cause of de la Huerta five days in which to leave the capital.

On January 4 the United States abandoned its attitude of disinterestedness when the administration announced its intention of selling to the Obregon government quantities of munitions, the purchase of which had been sought by Ramon Ross, special representative of President Obregon for that purpose. The quantities finally agreed upon were 5000 rifles, 5,000,000 rounds of ammunition, and 8 airplanes (later sales have increased the totals). This announcement brought a vigorous protest from congress; resolutions condemning the sale were introduced in both houses, the one in the lower house calling for all the details of the sale and seeking to commit the United States to the so-called Harding policy of refusing to sell war materials to any belligerent nation. The government's attitude as explained by Secretary Hughes was simply that political difficulties in Latin-America should be settled by the ballot rather than by the bullet; and that having recognized the Obregon government, the government of the United States was merely assisting it in maintaining order. As expressed by Senator Jones, of New Mexico, the position of the opponents of the sale is that "The whole

thing is wrong in principle, as well as subject to criticism as a national policy. There is very little difference between underwriting a government with guns, airplanes, powder, and ball, and underwriting such a government with soldiers." The followers of de la Huerta immediately protested to the state department, but the protests were apparently in vain. At the time the sale to Obregon was announced, press dispatches indicated that the government would take no steps to prevent the shipment of arms to the revolutionists. Acting in the information contained in these dispatches the revolutionists instructed their agent in New Orleans to place orders for a large quantity of arms and ammunition. When broached by the agent of de la Huerta, the chief of the southern division of the department of justice said that he had no official notice of the right of the revolutionists to purchase material in New Orleans, and that the placing of the orders would be followed by the arrest of all the parties participating. On January 5 the secretary of state authorized the publication of his reply to a request for instructions on this point. The government's position was that while there was no embargo on the shipment of arms into Mexico, such shipments were discouraged by the United States, and would be made at the risk of the parties to the transaction. The matter was finally disposed of by the proclamation of an embargo on January 7, under the authority of the congressional joint resolution of January 31, 1912. The proclamation applies to all shipments of arms or munitions to Mexico except such as may be approved by the government of the United States. Contemporary interpretation of the effect of the proclamation is that it effectively cuts off all shipments to the de la Huerta faction while leaving the Obregon government free to purchase from either the United States government or from private concerns. The request of the Mexican government for the purchase of several naval vessels from the United States was not complied with because officials felt that such a transaction would be in violation of the Treaty of Washington. However, it is understood that negotiations are under way for the purchase from private corporations of ships sold by the United States before the Washington conference, and consequently not affected by its limitations.

Similarly, an embargo on the mails has been established by the United States. While no official announcement was made, information leaked out, and was later confirmed by inquiries at the postoffice department by newspaper correspondents, indicating that no mail shipments would be made to Vera Cruz or to the Mexican states of Campeche or Yucatan now controlled by the rebels.

The declaration of a blockade of Tampico by the rebels, to be effective with respect to out-going ships on January 21 and for incoming ships on January 19, met with an emphatic protest from the United States. The American government, in no uncertain terms, announced that no interference with legitimate American commerce

could be tolerated. Finding the rebels apparently unmoved by the protest, the government dispatched the *Tacoma* to safeguard American interests, and later ordered the cruiser *Omaha* and a division of six destroyers to Vera Cruz. Announcement was then made that the blockade would not become effective until the end of the month; and a little later the plan for the blockade was definitely abandoned. In view of reports circulated in the United States that Americans were being mistreated by the followers of de la Huerta, the representative of the provisional government extended an invitation to the American press to send representatives into any of the territory controlled by his government to make an independent investigation, guaranteeing protection and freedom from censorship to such representatives.

The other principal development in the situation involving the United States has been in connection with a request from President Obregon for permission to transport troops through the United States. Secretary Hughes assented to the request and sought the consent of the states of Arizona, New Mexico, and Texas. Governors of the two former states assented; but Lieutenant-Governor Davidson of Texas, acting in the absence of Governor Neff, declined to permit the passage to Laredo in accordance with the terms of the original request. The executive gave as his reason that a consultation with officials in the border cities had shown the imminent possibility of danger to the interests of Texas citizens, due to a division of opinion on the Mexican situation to be found in the border region. An urgent request in a modified form for the privilege of transportation of 2,000 soldiers to El Paso only was acceded to by the acting governor on January 19, on condition that the United States government assume all responsibility.

A summary of the actions of the government of the United States in connection with the Mexican revolution shows that arms and munitions have been sold to the Mexican government; that the sale of arms and munitions to the revolutionists has been prohibited; that a rebel blockade of Tampico has been prevented by American naval vessels; that an embargo has been placed on mail destined for territory in control of the Huertistas; and that federal troops have been transported across the territory of the United States.

Followers of de la Huerta, accepting the hostile attitude of the United States, now claim that the "intervention" of the United States on behalf of Obregon will react to the benefit of the revolutionists. Likewise *El Universal* of Mexico City severely criticizes the government of the United States for its interference at Tampico, and editorially states that of all the dangers brought by the civil war not the least serious are those arising from the attitude of the United States.

On December 8 it was announced that General Calles had renounced his candidacy in order to become leader of the federal opposition to the revolutionists. While this announcement was greeted with great rejoicing in the camp of the Huertistas, leaders indicated that it would have no effect upon the revolution. Later de la Huerta indicated that the minute the revolution came to a successful close he would step down from the leadership of the revolutionists and as a plain citizen of Mexico announce as a candidate for the presidency. Other candidates for the office are General Raul Madero and General Angel Flores. The latter has announced a platform calling for legislation to eliminate trouble between capital and labor, for the institution of a civil service system, for the development of the merchant marine, for the proper solution of the agrarian problem on the basis of equality and justice, and for the promotion of commercial and industrial peace throughout the country.

The provisional government issued a notice on December 21 warning oil operators not to comply with any request on the part of the Obregon government for advance taxes, indicating that no such advance would be recognized by the revolutionists should they come into power. However, American companies operating in Mexico paid January taxes to Obregon in disregard of a decree of de la Huerta requiring that all oil taxes be paid to him.

Manuel Alvarez del Castillo has been designated diplomatic representative of the provisional government in Washington.

News dispatches arriving too late for incorporation in the above account indicate a succession of rebel defeats and withdrawals culminating in the evacuation of Vera Cruz by the provisional government on February 6.

The special claims convention between the United States and Mexico was ratified by the Mexican senate on December 27, but the body adjourned without ratifying the general claims commission between the same two countries, due to the fact that a sufficient number of the followers of de la Huerta refused to attend and it was impossible to obtain a quorum. The president of the chamber of deputies, himself an adherent to the policy of de la Huerta, has declared that all actions of the Mexican congress since the beginning of the revolution are illegal, because of the lack of a quorum.

The general and special claims conventions between the United States and Mexico have been submitted to the United States Senate. While the administration indicated that it would press for their immediate ratification, no action has yet been taken by the Senate.

NEWS AND NOTES

EDITED BY FRANK M. STEWART

University of Texas

NOTES FROM OKLAHOMA

PREPARED BY MIRIAM E. OATMAN

Norman, Oklahoma

EXTRAORDINARY SESSION OF LEGISLATURE.—Oklahoma's former lieutenant-governor, Martin E. Trapp, who became governor when J. C. Walton was impeached, called a special session of the legislature, which convened on January 15. The state constitution forbids the legislature to consider at special sessions any matters except those brought to its attention by the governor; but this prohibition seems to be disregarded, although the governor's program is receiving due consideration. This program consists chiefly in recommendations to reduce appropriations made by the same legislature a year ago. At the opening of the session, the legislature appears to be as obedient to the new governor as it was to Walton, though it is impossible to foresee what opposition may develop.

LEGISLATIVE WORK OF WOMEN'S CLUBS.—Both the state federation of women's clubs and the state branch of the American Association of University Women are urging the new governor to recommend to the legislature various reforms in the educational system. Both organizations are also petitioning the governor to appoint a state text-book commission composed of leading educators, of whom two shall be women, rather than the regulation type of commission, which has always heretofore contained members whose sole qualifications were political.

ANNUAL CONVENTION OF STATE MUNICIPAL LEAGUE.—The Oklahoma Municipal League held its tenth annual convention in Oklahoma City on December 14 and 15. This convention was exceptionally well attended, by both city officials and interested visitors. The program included papers on zoning for Oklahoma cities, by Fred Suits, bond attorney; "The New Paving Law of Oklahoma," by J. F. Martin, city attorney of Oklahoma City; "Home Rule and Public Utility Regulation in Oklahoma," by F. F. Blachly and Miriam E. Oatman; "Rules and Regulations of the Corporation Commission As They Affect Cities," by E. S. Ratcliffe, attorney for the state corporation commission; and many other papers, addresses, and discussions. The following officers were elected for the year 1924: President, I. J. Underwood, Tulsa; vice-president, Z. Z. Rogers, Duncan; secretary-treasurer, Dr. F. F. Blachly, Norman; trustees, John Carr, Enid, O. Coffman, Chickasha, J. W. Ordendorff, Henryetta.

NOTES FROM TEXAS

PREPARED BY THE EDITOR OF NEWS AND NOTES

STATE SURVEYS.—Work on several important state surveys, authorized by the Thirty-eighth Legislature, has been started within the last few months. In the educational survey, for which an appropriation of \$50,000 was made, the director and his staff have been selected and actual survey work has been commenced in several parts of the state.*

Provision for a topographic and hydrographic survey was made by the last legislature. The State Board of Water Engineers and the State Reclamation Engineer were directed to make "an adequate topographic and hydrographic survey of the stream watersheds of the state, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable." Six hundred thousand dollars was appropriated to carry on the work for two years. The United States Geological Survey is coöperating with the two state departments in the survey.

An unsalaried eleemosynary commission of nine members was created by the last legislature, to be composed of two senators, two representatives and five citizens appointed by the governor. The commission was directed to make a survey of conditions in the eleemosynary institutions, particularly "the prevention of insanity, feeble-mindedness, delinquency, and the increase of state dependents, the care and custody of criminal insane, the revision of laws governing the committment, parole, discharge, care and custody of inmates of state eleemosynary institutions." Since the commission was left without funds for its work, it asked the coöperation of outside agencies. Two national organizations, The Russell Sage Foundation and the National Committee on Mental Hygiene have agreed to do important field work for the commission.

Permission was granted by the legislature for the Texas Prison Committee, a division of the National Committee on Prisons and Prison Labor, to make, without cost to the state, a scientific survey of the prison system of the state. In the survey work several national and state organizations will assist: The National Committee on Mental Hygiene, State Medical Association, American Legion, Agricultural and Mechanical College of Texas and other organizations.

Much valuable information should be gathered as a result of these four important state surveys.

AFFAIRS OF THE ASSOCIATION.—The fifth annual meeting of the Southwestern Political and Social Science Association will be held at the University Club, Fort Worth, March 24-26, 1924. Sections of the program will be devoted to public law, political science,

*See *Southwestern Political and Social Science Quarterly*, December, 1923, p. 280.

history, international relations, economics, and sociology. Social science teachers, public officials, and citizens interested in political and social problems are invited to attend.

PERSONAL NOTES

Professor John Alley, head of the department of government of the University of Oklahoma, was elected a member of the council at the meeting of the American Political Science Association in Columbus, Ohio, in December.

Professor Charles G. Haines of the school of law of the University of Texas has been elected to membership in the Authors' Club of London, England. Dr. Haines was elected on the basis of writings during the last ten years.

Dr. F. F. Blachly, professor of government, University of Oklahoma, has just completed a four-year study of cost of state, county and city government in Oklahoma. Dr. Blachly attended the annual meeting of the American Political Science Association in Columbus, Ohio, in December.

Dr. Herman G. James, head of the department of government of the University of Texas, has been awarded a diploma and a gold medal for his "services of publicity through the press." The award was made by the jury of Award of the Brazilian Exposition in recognition of articles written for the press during his stay in Brazil.

Mr. George B. Dealey of Dallas, first vice-president of the association, was elected one of the vice-presidents at the annual meeting of the National Municipal League in Washington during November.

Mr. Tom Finty, Jr., editor of the Dallas Journal, is the author of an article in the November National Municipal Review on the Texas legislature entitled, "Texas Makes Haste."

During the Christmas holidays several members of the social science departments of the University of Texas attended meetings of professional societies: Professor Charles G. Haines of the school of law presented a paper, "Vested Rights and the Doctrine of Implied Limitations on the Legislature in American Constitutional Law," before the American Political Science Association at Columbus, Ohio; Professors C. P. Patterson, M. W. Graham, and Frank M. Stewart of the department of government were also in attendance at this meeting, Professors Patterson and Graham being on the program for discussion; Professors E. C. Barker and Frederic Duncalf of the department of history attended the meetings of the American Historical Association and the Mississippi Valley Historical Association at Columbus, Ohio; Professor Spurgeon Bell, dean of the school of business administration, was in attendance at the meeting of the American Association of University Instructors in Accounting at Columbus, Ohio; Professor J. E. Pearce, head of the

department of anthropology, went to New York City to attend the sessions of the United States Anthropological Society.

Dr. P. W. Horn, president of Southwestern University, has been elected first president of Texas Technological College.

"Some Socially Significant Rural Conditions" is the title of a bulletin just issued by the Agricultural and Mechanical College. It was prepared by Professor W. E. Garnett of the department of rural sociology.

Dr. A. C. Burkholder, professor of economics and sociology at Southwest State Teachers' College has recently published a bulletin, "The Schools of Caldwell County, Texas."

Dr. Earle Hoyt Ketcham, who has been teaching political science at the University of Illinois, joined the department of government of the University of Oklahoma at the beginning of the second semester. He will offer courses in government of the United States, local government, political theory, and international relations. Dr. Ketcham is a graduate of the University of Chicago, and holds his master's degree from the University of Michigan and his doctor's degree from the University of Illinois.

Mr. W. K. Newton, of the department of economics of the University of Oklahoma, read a paper at the tenth annual convention of the Oklahoma Municipal League, on standard accounting for cities.

A nutrition and health education institute was held at the University of Texas, February 6-9. Two nationally recognized authorities on health and nutrition, Dr. William Palmer Lucas, professor of children's diseases at the University of California, and Dr. C. E. Turner, professor of biology and public health at the Massachusetts Institute of Technology gave a series of lectures.

The Texas Council of Statewide Social Agencies met in Austin on January 14. The topic for discussion was the eleemosynary survey. Several members attended the meeting of the Eleemosynary commission at the capitol the next day.

Dr. C. P. Patterson, associate professor of government at the University of Texas, has taken an active part in explaining the Bok Peace Plan. He has contributed several articles to the press and spoken before the Orange, Texas, Rotary Club.

Racial problems were discussed by a group of college professors of sociology at a meeting at the University of Texas, in January. The meeting was called by the Texas Commission on Inter-Racial Coöperation, with headquarters at Dallas. Resolutions were adopted favoring the encouragement of the study of racial questions in the institutions of higher learning of Texas.

BOOK REVIEWS

EDITED BY B. F. WRIGHT, JR.
University of Texas

CURRENT REFLECTIONS ON SOCIAL THEORIES

- HEARNshaw, F. J. C., Ed. *Social and Political Ideas of Some Great Mediaeval Thinkers*. (New York: Henry Holt and Company, 1923. Pp. 224.)
- LICHTENBERGER, JAMES P. *Development of Social Theory*. (New York and London: The Century Company, 1923. Pp. xii, 482.)
- BOGARDUS, EMORY S. *A History of Social Thought*. (Los Angeles: University of Southern California Press, 1922. Pp. 510.)

Bishop Berkeley's famous remark that "an idea can be like nothing but an idea," sets out a view that has been very influential among those who essay to treat of theories. It would be a singular theory indeed that did not have among its antecedents other theories that could easily be drafted into service as its causes and that did not have among its consequents other theories that could be convincingly dubbed as its progeny. But this business of chasing down the ideational predecessors and successors of theories is an enterprise in which much labor has been happily lost. It is a business that can always produce results; but its results, if not too good, are at least too easy, to be true. Theories are too often treated as if they belonged to a self-inclosed world. So long, however, as it remains true that men are more interested in assigning "good" rather than "real" reasons for their own conduct, so long shall we likely be content to derive theories from theories in general, though to do so advertises a lack of what has been happily of late called "the reality sense."

In a lecture introductory to the seven other lectures that constitute *The Social and Political Ideas of Some Great Mediaeval Thinkers*, Principal Ernest Barker strikes at this same consideration in a distinction between "political theory," detached individual responses, and "political thought," the common half-conscious habits of an age. But Barker should have gone one step further, for, on the basis of this distinction, political theory is no more conditioned by political thought than is the latter also eventually conditioned by that which is neither theory nor thought—by brute physical surroundings that *were* before man was and *will be* after he is no more. There is one way to avoid this further conclusion, and that is to turn metaphysical idealist, and hold that the real is also ideal. So complete has been the acceptance of this faith until recently in England, and hardly less so in America, that one is justified in

suspecting all Anglo-Saxon social theorists guilty until they prove themselves innocent of this basic assumption.

Now, this is no innocent, otiose assumption in the field of social theory. It functions as dangerously as it functions darkly. It serves in the first place to blind the critic to the need of a sound economic and geographical orientation for his criticism, even as it served in mediaeval times to content theorists themselves with mere ideas. This seems to me the limitation in varying degrees of all the lectures of this book. Within this limitation, praise may be enthusiastic. Barker's introductory lecture is particularly informing. But the other lecturers, though traversing what is often supposed to be a desert period, present hardly a dry page as each escorts his man across the stage. A. J. Carlyle assumes responsibility for St. Augustine, E. F. Jacob, for John of Salisbury; Rev. F. Aveling, for St. Thomas Aquinas; E. Sharwood Smith, for Dante; Eileen E. Power, for Pierre Du Bois; J. W. Allen, for Marsilio of Padua; and F. J. C. Hearnshaw, the editor, for John Wycliffe. Given as popular lectures in King's College, London, during the autumn of 1922, the chapters are for the most part undocumented; but each has a bibliography at the end. No one can fail to admire the art of making instruction so enjoyable.

Lichtenberger, *Development of Social Theory*, assumes a definite relation between theory and the non-ideal environment, and he attempts to parade theory in its concrete orientation. His biographical approach, however, makes it difficult for him not to fall heir to the many fallacies that have always (dis)graced the "great man theory" of history. Chief among these fallacies has been the romantic hope and belief that those ideas that constitute greatness and genius do actually spring out of the blue. Into this fallacy he does not fall naively; but is it this method of approach or a hidden Hegelianism that prevents one from discovering that organic rapprochement between ideas and environment that he has a right to expect? True, Lichtenberger gets both the biographical and the environmental data in—indeed he stands them up conspicuously in front of the idea-system of each theorist—but he does not get them essentially together. They stand in the feeling of the reader much as they stand on the pages of the book—separated, each under its own heading. There awaits the genius who can correlate them in a narrative as organically as they are correlated in life.

But while we wait, let us do so fruitfully. Since we do not have precisely in this volume what we want, let us be grateful for what we have. And there is much to praise. The confused complex situations that have conditioned social theorizing in the various men are here, though kept separate, given order and force. The temperament and training under which thinkers have operated and the conditions of both temperament and training are furnished us here. Moreover, the summaries of the actual theoretical contribu-

tions of most of the well-known figures in the history of thought are clearly and usefully given. The book begins, as all good books should, with Plato; but it does not end as impartially as it begins. More than the last hundred pages are given over to the exposition of four men, Ward, Tarde, Gumpłowicz, and Ratzenhofer. This could hardly be justified, or even understood, on any other than the author's professional bias. He is himself a sociologist. This very fact, when supplemented by the expectation that the book would be used as a text by sociologists, has led him to render its use less probable by social theorists in other fields. Grown men ought not to take too seriously our academic distribution of labor. And yet, to adapt Pope's lines, we must note among us those who born for the universe, narrow their minds and to department give up what was meant for mankind. Great men of the past who, while living, escaped whole, cannot with impunity be posthumously departmentalized. The same professional bias noted above indicates itself again in the treatment given to political as distinct from social theory. The former is not omitted. It is indeed on the whole treated rather fairly, but the author is obviously pleased, whenever possible, to keep all material under his own professional terminology.

No summary of the book is permissible, none is needed. There is here nothing new nor any claim thereto. Standard matter is got together in a fairly brief compass, and is thus made usable for those who but for its availability might go without the enrichment that a comparative study of the leading social theorists affords. As a text, it would put into the hands of students a good amount of original matter, for the exposition, where convenient, is done in the language of those treated. Moreover, the exercises at the end of each chapter are calculated to foster discussion and produce further thought. The bibliographies are largely in English for this same purpose and are well arranged to lead the student into a more critical examination of the sources for himself.

Bogardus, *A History of Social Thought*, defines social thought as "a synthesis of the observations of individuals about the welfare of other individuals, considered as individuals or as groups," and then sets out to write a history of this type of thinking as set over against the ego's preoccupation with itself. Taking thus all idealism as his field, he manages to drag through five hundred pages a singularly unstimulating account of the most moving section of man's inner history. His bias is toward sociology again, but he manages to give something of a hearing apparently to every human voice that has ever been raised in behalf of others, oriental or occidental, primitive or modern. The very generosity of the sweep foredooms the book to sketchiness. The analysis never runs deep, generalities abound, and they do not always have even the virtue of glittering. The volume is initiated by the unnerving profound proclamation that "man faces a world of social problems," and it

all but closes with the breath-taking discovery that "in any line of thought or endeavor a correct method of procedure is all-important." No selfish student will ever be made social by perusing this book, and the social-minded who have found a bottom for their altruism will be given many a pause regarding the intellectual company that language compels them to keep.

What the philosophic student will perhaps crave most, though vainly, while reading any such accounts as those given by Lichtenberger and especially by Bogardus of social theorizing is a theory of theories. This is a fundamental lack in one who gives himself permission to take liberties with the spiritual heritage of mankind. Without the guidance and consideration it gives, the ideal complements of incompleting facts will be treated as though they were a band of adult facts grown ruffian through long seasoning. To read such books is enough to make articulate the general, though often vague, human feeling that those who write histories of thought should themselves be possessed of imagination. But for a minimum academic demand among those who groan for, and under, seniorship, one such book as Lewis Mumford's inspired and inspiring *Story of Utopias* (reviewed elsewhere in this number) is worth as much as a five-foot shelf of such as these.

T. V. SMITH.

The University of Chicago.

HERTZLER, J. O. *The History of Utopian Thought*. (New York: The Macmillan Co., 1923. Pp. 321.)

MUMFORD, LEWIS. *The Story of Utopias*. (New York: Boni and Liveright, 1922. Pp. xii, 315.)

PENMAN, J. S. *The Irresistible Movement of Democracy*. (New York: The Macmillan Co., 1923. Pp. ix, 729.)

BARNES, H. E. *Sociology and Political Theory*. (New York: Alfred A. Knopf 1924. Pp. xiii, 260.)

For several decades the study of political theories has been almost entirely a matter of historical, if not of antiquarian, interest. To be sure, there have been a few scholars who have ventured slightly to trouble the well-earned slumbers of this branch of knowledge with a little genteel wrangling over the question of the nature of authority in the modern state. Their writings may be very scholarly but there is little likelihood that they will be read by any except a few other learned gentlemen and that none other than equally scholarly controversies will be waged over them. The field which attracted the best talents of Aristotle, Machiavelli, Hobbes, and Rousseau came to be one in which fundamentals were taken for granted (at least in the countries which in the past have been productive of great political philosophy), and accordingly the political writings of this period have been pamphlets of the moment dealing

with the details of political arrangement or erudite but unread treatises upon "the nature of the state."

The four books considered in this review are all indicative in some degree of this condition. In the field of utopian thought, for example, the ideal states of Plato, More, Bacon and Harrington have no better counterpart in recent years than the eclectic system of Mr. H. G. Wells which, if it makes any contribution at all, is primarily important for its social ideas. Furthermore, we seem to be so well satisfied with our form of government that we talk of the "irresistible movement of democracy," and the vast amount of writing produced by sociologists during the past few decades is in rather startling contrast with the relatively meager output of the political theorists in the same period.

For a work on the poetry of political and social thought, Dr. Hertzler's book is singularly dull reading, perhaps because it is very much in the conventional text-book manner. It deals in rather careful and, so far as space permits, thorough fashion with practically all of the published dreams of Utopia from the time of the Old Testament prophets to that of Mr. Wells, slightly more than two-thirds of the book being devoted to their exposition. The work is easily the most complete treatise in English upon this field of thought, but there are several omissions of some importance; among them Andreae, Morris and Hudson. Part II contains an analysis and critique of the utopias previously described. The author's conclusions are of the matter of fact, common sense sort with a slight and rather unfortunate admixture of the didactic and platitudinous. One of the few points to which one might take any great exception is the faith which Dr. Hertzler places in the benefits of greater production (p. 301).

Whereas Dr. Hertzler's book will be very useful as a reference work, Mr. Mumford's *The Story of Utopias* deals with the more important of these ideal commonwealths in a manner befitting their nature. The result is a book which is both readable and enlightening. Mr. Mumford's treatment is, however, rather uneven in its emphasis; for example, he almost completely disregards the medieval religious utopias, like *The City of God*, which have had a tremendous influence upon western civilization. Finding that no one has written of a utopia embodying the ambitions (if not the ideals) of the last two generations, he creates one in the manner of Mr. Veblen and then proceeds to write a chapter which is entertaining, if not always convincing, telling us "How the Country House and Coketown became the utopias of the modern age; and how they made the world over in their image." The two concluding chapters are perhaps the most important in the work so far as social analysis is concerned. There is little of novelty in them but there is much of value.

The present reviewer, for one, regrets that no attempt was made by either author to deal with the utopias comparatively, that is, to

show their points of similarity and difference. Such a comparison, if well made, would afford an interesting insight into the development of political and social thought.

Mr. Penman's weighty treatise is divided into three approximately equal portions, the subjects of the several books being the development of democracy in America, France and England respectively. The work seems to proceed upon certain definite assumptions: first, that democracy had its "first beginnings in the modern world" in the eighteenth century and "its culmination in our own time"; second, that the only countries worthy of study in this connection are the United States, France, and England; third (altho it is stated that the author has no thesis to uphold), that liberty and socialism, in any other than a very mild form, are incompatible; fourth, that one may properly speak of "liberty," "wise" laws, and "better" adjustment between capital and labor without any careful analysis of their meaning; and fifth, that democracy is the form of government which is based on popular will as expressed in universal suffrage. As a result we find no mention (save one sentence in the preface) of the sixteenth and seventeenth century democratic movements on the continent and in England, nothing of the recent developments in the new and reorganized European states or in the self-governing dominions, a perfect faith in the finality and sufficiency of individualistic political democracy, and a general haziness concerning the meaning of important terms. Within these limitations the volume is a creditable piece of work. If it adds little or nothing to our knowledge of the development of political institutions, it does relate an old tale in a not uninteresting, if somewhat ponderous, fashion.

Professor Barnes' *Sociology and Political Theory* is really an extensively annotated bibliography of the recent material in the borderlands between political and social thought. Such problems as the origin, development, and nature of the state, the process of government, sovereignty, natural rights, and international society are taken up with a view to showing the bearing of sociological theory upon them.

As the book stands, it is an invaluable guide to the literature of the field with which it is dealing. However, it reminds one of Mr. Guedalla's statement that sociology has "too many conclusions and no data," of the rather common tendency among sociologists to confuse the limits of their field with those of the social sciences and to place great reliance upon the all-inclusive meaningfulness of the word "social," and the need of critically scientific examination of the sociological writings of the past generation. This is, of course, no criticism of Mr. Barnes' book, for his purpose, a different and a valuable one, has been well executed.

Perhaps, after all, political theory is again coming to be a field

of importance as well as interest. It may be that the problems with which it must deal are not really political in the traditional sense of the word. It is sufficient that there are again fundamental problems of the state which require something more than analysis and definition. Social theorists may not have succeeded in solving the problems with which they have been dealing, but they have shown the existence of problems and the need of the coöperation of all branches of social and political thought in dealing with them.

B. F. WRIGHT, JR.

University of Texas.

JAMES, HERMAN G., AND MARTIN, PERCY A., *The Republics of Latin-America, Their History, Government, and Economic Conditions*. (New York: Harper & Brothers, 1923. Pp. 533.)

This book, in the language of the authors, "is an attempt to bring within the compass of a single volume an account of the history, government, and economic development of the twenty American republics lying south of the United States. . . . As the title would indicate, the emphasis has been placed on the period subsequent to the achievement of independence. At the same time, an effort has been made to describe the foundations on which the national life of the Latin-American states has been built." The European background, the colonial system, and the struggle for independence are disposed of in three chapters, composing about one-fifth of the book. This leaves nine chapters for an account of the political (and in some cases social) history, description of the present government, and a brief statement of economic conditions in the various countries. A final chapter deals with international relations. There is an extensive bibliography and an excellent index.

The Latin-American constitutions originally were modeled largely upon that of the United States. This gives what is commonly known as presidential government. But Chile has departed from this form and has established a parliamentary system almost as thoroughgoing as that of France or England. Every act of the president must be countersigned by a minister, who thereby assumes responsibility and the ministers are politically responsible to the chamber of deputies. Venezuela has made a beginning on the same system. The constitution provides that the ministers shall resign upon a vote of censure, but in practice they are responsible only to the president, who has complete power of appointment and removal.

Upon this part of the book the writer has no criticism to offer. The statements are clear and concise and the treatment all that could be expected in the space allotted. From the text, the reader will get a fairly good idea of the governments of the various countries, though the history is very compressed and the information on economic conditions is but little more than statistical tables and summaries.

Lack of space will excuse many things, but it will hardly excuse the failure so much as to mention the strangle-hold that foreign capital has on both the political and economic life of some of these countries, a strangle-hold that is backed by the state department at Washington. For example, the reader would infer that the troubles of Mexico were all from within, no hint being given of the tremendous pressure put upon her by the oil interests, the bankers, and the state department. True, the writers do tell us that the intervention of the United States has deprived "the people of Nicaragua of the right to manage, or mismanage, their own political affairs," but they give no hint of the lawless way in which this intervention has been carried on or of the activity of the United Fruit Company in depriving the people of the right to manage, or mismanage, their own economic affairs.

Our dealings with Santo Domingo, Haiti, and Central America are handled with gloved hands. The writers imply, though they do not say, that President Morales signed the protocol of 1905 gladly. He did so under great pressure. In the case of Haiti, the writers do state some of the charges made against the American occupation and admit that there is some truth in some of them, but they seem to consider that the occupation was inevitable and that the friction was a natural result of contact of a higher with a lower civilization. They admit the high-handed procedure by which the government of the United States was forced on the Haitians, but when they add that the "new constitution, embodying all the suggestions demanded by the United States, was submitted to the Haitians by means of a plebiscite and was adopted by an overwhelming vote," one may be pardoned for wondering if they consider this a fair statement. The people were warned before hand how to vote and that abstention would be regarded as an unpatriotic, unfriendly act. As the voters came up they were handed a ballot marked "oui," but the "non" ballots were left practically undistributed on the table. Yet, out of a possible 400,000 votes, only 63,300 were cast, about 200 or 300 being in the negative. That is how Americans got the right to own land in Haiti. The loan which will "rivet the control of the United States and of American financial interests even more firmly upon Haiti," is discussed with hardly a hint of its outrageous character.

The chapter on international relations is a succinct and excellent summary of the subject. It does not ignore the fact that our state department has made some mistakes and that the Monroe Doctrine as now interpreted is not in high favor in Latin America, facts which stand in the way of an effective Pan-Americanism, for which our state department labors hard and then wonders why it does not pan out. It is unfortunate that space did not allow a fuller treatment of this subject.

The book is certainly an ambitious undertaking, but one must

confess that the authors have done well in carrying it out. It will serve a useful purpose, either to the general reader seeking accurate information in a condensed form, or to instructors conducting classes in the subject.

DAVID Y. THOMAS.

University of Arkansas.

THOMAS, DAVID Y. *One Hundred Years of the Monroe Doctrine*. (New York: The Macmillan Co., 1923. Pp. xii, 580.)

The centenary of Monroe's famous pronouncement has served to bring forth from the pen of Professor Thomas an exhaustive examination of the evolution of the principles laid down therein, both as regards their historical background and their present portent. Unlike the monumental works of Kraus and Hart, which respectively attempted to define the doctrine in terms of law and policy, the present work, while deserving to be ranked with them, has not sought to trace the oft-iterated statements of presidents and secretaries of state with a view of developing a harmonious whole, but has rather endeavored to follow the concrete applications of non-colonization, non-interference and "dollar diplomacy" with their corollaries, to their logical, if meandering, conclusions. The work is not consciously motivated; it represents a deliberate study "undertaken with a sincere desire to get at the facts, wherever they might lead. They have led far afield but not astray." In the search Professor Thomas has travelled to Liberia, Algceiras, Madrid, Paris and Lausanne, via Mexico and the Caribbean, looking for the applications of the doctrine as originally enunciated. It appears that we have departed from it at several of these places. Along this route the vestments of the original doctrine have been discarded in part from time to time so that its present raiment is hardly that of a century ago.

The reason for these changes, the trend of which the author does not seem to see, appears, to the reviewer, not far to seek. Professor Thomas seems to have proceeded throughout with an *a priori* assumption *laissez-faire* liberalism, which, however vital at the time the doctrine was enunciated, is hardly to be regarded as the dominant motive in our interpretation of it today. Viewed, then, from a *laissez-faire* standpoint, most of the happenings in our foreign relations since 1898 are construed by the author as departures from the original doctrine, inasmuch as they have not left the Latin-American republics, or Europe, or Liberia, to themselves. Since *laissez-faire* has long since been discarded as a philosophy of government in our domestic affairs, and has been replaced by an increasing responsibility of the state for individual and collective well-being, it is hardly to be supposed that the Monroe Doctrine is above being affected by this fundamental change in political theory. *Laissez-faire*, which placed responsibility for the maintenance of the doctrine upon the individual nations in 1826 (p. 49), has given

way since the Spanish-American War to the doctrine of police-power responsibility, proclaimed by Roosevelt in 1902-4, amplified to broaden its bases, in 1913 (p. 375) and expanded by Wilson to a projected collective doctrine of continental solidarity (pp. 416, 418). From this point it has been taken up in its fullest form by President Brum of Uruguay (p. 419). For Latin-Americans the doctrine now seems to be one of collective responsibility of the strong for the weak; the United States, unfortunately, still affects to regard it as unilateral, but it is doubtful to the reviewer whether such an attitude can much longer be sustained.* Professor Thomas, under the caption of Pan-Americanism, recognizes the latest forms which the doctrine has assumed, but seems reluctant to accept their full implications. His view of responsibility (pp. 566-7) is an advocacy of renunciation of any protective role by the United States, while admitting that the machinery for collective enforcement of the doctrine is not yet extant. Undoubtedly a collective guarantee for enforcement would be desirable, but in default of that, the United States is unwilling to allow the doctrine to be defeated by non-enforcement and maintains—very properly, it would seem—that it will enforce our traditional policy single-handed against all comers.

The reviewer feels compelled to dissent from the author's presentation of the Californian case against the Japanese (p. 83) which no more comes under the Monroe Doctrine than do earthquakes, though both may be equally "dangerous to our peace and safety;" similarly, with England's 1,700,000 unemployed and Central Europe's high birth rate, one is inclined to question whether "the population of Europe has decreased so much recently that years must pass before there will be any real need of more room for surplus population" (p. 563). Likewise, the assumption that because a demonstration by Colombian students was staged in Chile against Mr. Roosevelt, it was "possibly due to suggestions from the Colombian government" (p. 375) appears unwarranted.

Despite differences as to interpretation, the reviewer feels that the work of Professor Thomas is of unusual value in its field. It has brought together in a new way, and with a distinctive interpretation, hitherto isolated instances and disconnected episodes to show how far the numerous ramifications of the Monroe Doctrine have gone. Many previous writers have dealt fragmentarily with the subject; no one else has treated it so concretely and comprehensively since the World War. For that endeavor and its fruitful results, all must indeed be greatly indebted to Professor Thomas.

MALBONE W. GRAHAM.

University of Texas.

*The reactionary tendencies of Secretary Hughes' pronouncements, both before the American Bar Association and the Academy of Political and Social Science, only emphasize the fact that the custody of our national palladium has for the moment been intrusted to the foreign office in Montevideo.

WOLFE, A. B. *Conservatism, Radicalism, and Scientific Method*. (New York: The Macmillan Company, 1923. Pp. 333.)

Although the field of social psychology is extremely important, very little work has been done in it. The books on social psychology which merit careful consideration, or even a second reading, are surprisingly few. Giddings, Veblen, Graham Wallas, and a handful of others, have made valuable additions to this too scanty literature; now comes another book to join the short list of noteworthy contributions to the subject, in the study, by Dr. A. B. Wolfe, called *Conservatism, Radicalism, and Scientific Method*. Dr. Wolfe undertakes, with remarkable success, an analysis of the conservative and the radical attitudes toward social issues, an exposition of scientific method as directed to the solution of these issues, and an examination of the basis of social ethics.

The discussion of conservatism and radicalism is stimulating to thought and disarming to prejudice. After defining his terms, Dr. Wolfe concerns himself with the motivation of these antagonistic social attitudes and here his thinking is both penetrating and brilliant. "All conservatism—is essentially a safety-first attitude. Its root is desire for security."—"Generally speaking, a radicalism is the product of unrest. Unrest is the expression of personal discomfort—this is not saying, of course, that all discomfort leads to radicalism. It may lead to hysteria, to a contented disbelief in the efficacy of human effort, to sullen stoicism, to mob violence, or to patient, painstaking effort, often successful, to adjust the personality to the existing environment."—"The conservative lives in what he calls a real world—The radical lives in the world of facts, but also in that of his ideals. In a sense he is the victim of a divided personality; the gulf between his actual and his ideal world, or self, is such that he cannot help being in a state of more or less continuous mental unrest."—Though quotations can give no adequate picture of the scope and the depth of the author's inquiry, nor of the calm, relentless, yet deeply sympathetic way in which he pursues his search for the truth, one more may serve to show the balance and fairness of his mind: "Whenever the issue between conservatism and radicalism is sharply joined in a real conflict of basic, economic, or political interests, we must expect, unfortunately, to see the higher traits of human nature come to the surface on both sides—maudlin sentiment, claptrap and chicane become common weapons on both sides."

The treatment of scientific method and scientific attitude is careful and able, though many readers will be unable to agree with it at all points. Its applications to current issues are exceptionally interesting. Dr. Wolfe suggests that scientific method might well be applied to such problems as: "Are rising prices conducive to prosperity? What do you mean by 'prosperity'? and *whose* prosperity?—What are 'entangling alliances'? What is 'normalcy'? Overpopulation? Woman's sphere? Double taxation? Confiscatory taxation?"

Of this rather appalling list of problems he remarks, "It may be said that the scientific investigator should avoid problems involving such difficulties. But the patent fact remains that if the scientist does not grapple with them the non-scientist will, with results that can scarcely be expected to be as well founded in objective fact or as free from subjective defects of logic as those the scientist will arrive at."

The least useful part of the book is probably the final chapter, which attempts a survey of our present disordered society and an indication of a way out of the chaos. After the author's insistence upon scientific method and his condemnation of shibboleths as a substitute, it is somewhat incongruous to find him recommending a general adoption of "the human ethics of Jesus"—whatever that expression may mean. The discussion of the need of education also falls below the general level of the book, though all forward-looking men and women whose work is education will sympathize with most of its conclusions.

This is a book to be read, reread, and pondered over. It is not easy reading, for it is heavy with thought; but it amply repays careful study.

F. F. BLACHLY.

University of Oklahoma.

FISK, GEORGE MYGATT, AND PEIRCE, PAUL S. *International Commercial Policies, with Special Reference to the United States.* (New York: The Macmillan Company, 1923. Pp. xii, 322.)

Those persons, especially teachers, who have occasion to deal with the history and recent development of government policies as to international trade must feel a profound relief at being offered the use of a work which gives compactly, clearly and accurately the main outline and essential details of the subject—heretofore to be secured only by prolonged search and laborious sifting through scattered and bulky, largely official or periodical, sources of knowledge. The present work is a revision of that by Professor Fisk, which appeared in 1907, and which, from the circumstances attending its subject, had already within two or three years, begun rapidly to lose its value—a fate which the new edition can escape only by repeated revision or supplement.

The general scheme includes a brief history of commercial policy, a description of modern tariff policies, the structure of tariffs, customs-administration, commercial treaties, and government aid to commerce, with two chapters on policies regarding navigation. Abundant bibliography and excellent questions for investigation compensate for the absence of critical discussion, which is, in fact, excluded by the limitations of space. There is a challenge to a doubter in an apparent exaggeration (p. 24) of Colbert's service in the industrial development of France. One who has examined

in some detail Colbert's methods of stimulation and control, must be impressed by their prevailing triviality (as in the prolonged activity of prime minister, officials and guardians of the ports, to entice and prevent from escaping a solitary foreign craftsman) or their stifling effect on industry (so far as to succeed in making yet straiter the jacket of gild regulations), or their futility when (as Colbert's petulant letter writing shows) the craftsmen defied his efforts at regulations. Mercantilistic doctrines are too much alive today to be encouraged without clear justification.

A. P. WINSTON.

University of Texas.

ELSON, HENRY WILLIAM. *History of the United States of America*. (New York: The Macmillan Company, 1923. Pp. xxxiv, 998.)

In inflicting another history of the United States upon the long-suffering reading public, the author gives as his excuse and purpose the presentation of "an accurate narrative of the origin and growth of our country and its institutions in such a form as to interest the general reader," attempting to combine the "science of historical research and the art of historical composition," giving "careful attention to style," thereby rendering the book "easy and pleasurable to read, as well as instructive." This self-imposed task was obviously a difficult one; in fact, it approaches the physically impossible. The history given us by Mr. Elson is in style and literary quality of a high order. It cannot be urged, however, that the book is based upon recent original research, nor that it reflects the newer viewpoints in American history. Rather is it traditional history re-told—well re-told, to be sure—including some extremely interesting information of a biographical and social nature. It is in one sense comprehensive, for it deals with the whole period of American history from the pre-discovery background in Europe to the mine and railroad strike of 1922.

Among the points which may well be criticized in this work are the treatment of the causes of the revolution, the inadequate space given to the industrial development of our country, the lack of emphasis upon the westward movement, the treatment of Stephen A. Douglas and his connection with the Kansas-Nebraska Act, and the view that slavery was after all the one cause of the Civil War.

In mechanical construction and general form little is left to be desired. The marginal topics are helpful, and in addition to pertinent footnotes, each chapter is followed by *Notes* giving additional information concerning certain leading characters and events. Other helps are eight full-page colored maps, some twenty-six maps in the text, and an American chronology table from the year 1000 to the Washington Arms Conference of 1921, and "Suggestions to the Reader." There are no illustrations.

JOE L. CLARK.

Sam Houston State Teachers College.

DIXON, ROLAND B. *The Racial History of Man*. (New York: Charles Scribner's Sons, 1923. Pp. xvi, 583.)

As a possible remedy for the present confusion of data and uncertainty of conclusions in regard to problems of race and racial history, Professor Dixon has attempted to approach the whole question *de novo*, and, disregarding to a large extent the conclusions of previous students, to apply to the raw facts of physical measurement a novel method of analysis. The important points in the method used are emphasis upon the historical approach to problems of racial composition; radical simplification of the criteria of race by using only three indices—the cephalic index, the altitudinal index and the nasal index; classification of data on the basis of the actual combinations of traits in individuals rather than by the method of averages; and finally, the explanation of medial forms of each trait as the result of mixture between the extremes of the trait. By this method Professor Dixon undertakes to analyze the peoples of the world into eight constituent racial elements, each of the eight possible combinations of extremes of the three traits corresponding, in his analysis, to a fundamental racial type.

Professor Dixon has applied his method of analysis to an immense amount of data; and if he has not succeeded in the desperate and rarely attempted task of analyzing the peoples of the earth into their fundamental racial constituents, he has thrown light from a new angle on the chaos of measurements and statistics. Statistics, however, are less plentiful in his concluding chapter, wherein he makes contributions to a number of controverted questions of anthropological and social theory, such as the relative value of different racial stocks, the passing of the great race, the rising tide of color, the relation of race and racial amalgamation to cultural advances, and war as an aspect of racial conflict. Professor Dixon's opinions on these topics, like all other opinions on such questions, are largely hypothetical; but his training, experience and wide command of facts entitle him to speak with some authority even though he is not prepared to say the final word.

C. M. PERRY.

University of Texas.

REUTER, EDWARD BYRON. *Population Problems*. (Philadelphia: J. B. Lippincott Co., 1923. Pp. xvii, 338.)

In his book on *Population Problems*, Dr. E. B. Reuter, associate professor of sociology in the University of Iowa, has made a valuable addition to the Lippincott Series in Sociology edited by Dr. E. C. Hayes. The chief contribution of this interesting book lies in the fact that there is here presented, in simple, non-technical language and in easy style, a comprehensive treatment of the most pronounced problems of population so that they may be readily understood by the student and the general reader. Such subjects

as the Malthusian theory, birth rates, mortality rates, differential rates, inferiority and superiority, and others, which frequently are confusion and difficult to the beginning student and the layman, are rendered comprehensible and interesting by the careful organization, thorough analysis, and clear treatment they receive in this book. Such a treatise can only add to the already almost universal interest in the study of population.

The writer opens his discussion with a general treatment of *The Problem of Population* followed by a chapter on *The Composition and Distribution of Populations*. Next in order are three chapters dealing with theories of population beginning with the pre-Malthusian doctrines and coming down to the present-day sociological theory as stated by Nitti. *The Growth of Population* is presented in seven chapters treating of such matters as tendencies of growth, checks, the birth rate, the death rate, the falling birth rate and the problem of numbers, and the relation between mobility and population growth. The closing chapters of the book deal broadly with the problem of quality as it concerns differences in stock, class divisions, public health, race and race mixtures, immigration and its effect upon quality, and the problems of inferiority and superiority.

W. E. GETTYS.

University of Texas.

POUND, ROSCOE. *Interpretations of Legal History*. (New York: The Macmillan Co., 1923. Pp. xiv, 165.)

This volume is a classic in the field of jurisprudence. It is an interpretation of a very broad and technical subject with such lucidity of thought and attractiveness of style as to make the field attractive to the lawyer, the historian, and the legal philosopher. The author has taken an old subject and reinterpreted not only with real art and skill, but with the exposition of new thought. He scarcely touches the subject at any point without breaking new ground.

In his discussion of law and history he analyzes the historical school of jurisprudence with Savigny as the central figure. He concludes that the historical school was not a historical school at all, that "it assumed that a single causal factor was at work in legal history and that some one idea would suffice to give a complete account of all legal phenomena" (p. 19). He maintains that the legal order is a complex and is not the result of a single idea gradually unfolding itself through history. The historian was laboring under the "illusion of perspective." Tradition, imitation, religion, psychology, sociology, economics, play their part in this complex process that ends in the legal order.

The metaphysical or nineteenth century philosophical school, the anthropological and biological schools are carefully analyzed. He finds in all these schools valuable contributions to the legal order

not only in the wealth of their literature, but in their contributions along single lines of development, which now can be correlated and unified into a system of jurisprudence. He, therefore, differs from Lord Bryce, who had almost a contempt for the metaphysicist who attempted to set up a basis for law, the legal order and the administration of justice. Truly, one might view, with equal contempt or pity, the analytical jurist who thought that he could perfect the legal order by a mere process of analysis.

Dean Pound feels that the schools of jurisprudence are in the process of synthetization and that the resultant method will be what he designates as sociological jurisprudence, which is historical, comparative and sociological in its method. This school after the broadest sort of a survey undertakes to establish a balance of interests, through law as a means, a compromise, which he would call "social engineering."

C. P. PATTERSON.

University of Texas.

BROWN, GEORGE ROTHWELL. *The Leadership of Congress*. (Indianapolis: The Bobbs-Merrill Co., 1922. Pp. 310.)

This is a rather illuminating discussion, primarily from secondary sources, on the evolution and devolution of the American speakership. It shows that the American speaker came to personify party government in his control of the House of Representatives and that it was, therefore, a responsible as well as an efficient system of organization and procedure for the House of Representatives. The author is inclined to think that the revolution of 1910 has destroyed one of the most hopeful developments that has taken place in the national government.

He thinks that the House of Representatives has been tremendously weakened as a branch of the national Congress, the branch that was designed by the fathers of the Constitution to be representative of the people, and that as a result the Senate, which was not intended to represent the people, had come to be the stronger of the two houses. Hence, a revolution as to the importance of the two houses of Congress and their relations to the people has been accomplished. The volume is stimulating and suggestive, and is a valuable reference for the study of the organization and work of Congress.

C. P. PATTERSON.

University of Texas.

BROWN, EVERETT SOMERVILLE. *William Plumer's Memorandum of Proceedings in the United States Senate, 1803-1807*. University of Michigan Publications. (New York: The Macmillan Co., 1923. Pp. ix, 673. \$3.50.)

William Plumer was a New Hampshire Federalist who served in the United States Senate for a little more than four years—from

December, 1802, to March, 1807. The *Memorandum*, as here printed, runs from October 17, 1803 to March 5, 1807. Although Plumer seems to have had in mind early in his term to write a history of the United States, he asserts that the *Memorandum* was compiled not for posterity but for himself alone. The history was never written, and now posterity has the *Memorandum*—and should be grateful. The document will serve very much the same purpose as does the famous *Journal* of the doughty Maclay for the earlier years of the Senate. As neither house at that time kept a full record of its proceedings, the student has had to glean what he could from the often meagre *Annals of Congress*.

The *Memorandum* opens with an account of the discussions in the Senate of the Louisiana Purchase Treaty; covers rather fully the Burr troubles and the debates over the organization of a civil government in Louisiana; and recounts the impeachment proceedings against Pickering and Chase. Equally interesting are the intimate glimpses we get of Washington life and society, especially in political circles, of great men on and off stage, of the gossip and the frankness of the talk around the boarding-house table, of President Jefferson's negligent attire and his after-dinner confidences.

The typographical features of the book are excellent; the index is full and helpful; and the editorial work is so well done that this reviewer has but one complaint—dates should have been inserted in the running headlines for the convenience of the reader who takes the index for his guide.

CHAS. W. RAMSDELL.

University of Texas.

BARNOUW, A. J. *Holland Under Queen Wilhelmina*. (New York: Charles Scribner's Sons, 1923. Pp. ix, 321. \$3.00.)

TORCHIANA, H. A. VAN COENEN. *Tropical Holland*. (Chicago: The University of Chicago Press, 1921. Pp. xiv, 317. \$2.50.)

It is seldom that the less important countries in Europe are treated by writers with a view to giving an accurate account of the actual political stage and the players performing upon it. Too often the descriptions given of a government and its workings are at best hasty and impressionistic afterthoughts; rarely is a consistent effort made to present either a governmental system or the problems with which a country's statesmen have to cope. Whenever such an interpretation is made authoritatively, it is most welcome, and in the books under review, this rare task has been successfully accomplished. Professor Barnouw, from a "Thirty Years' View" of Netherlands politics, writes with restraint and unusually choice style of the quarter century of political events during the reign of Holland's sagacious queen; Mr. Torchiana, eminently qualified by training and experience to interpret Dutch policy in the colonies, gives an

illuminating account of the historical, political and economic development of Insulinde.

In bringing before us a clear-cut picture of the events in Holland since 1898 Professor Barnouw gives us a unique and remarkably detached view of the period, showing the effects of the policies—and the intrigues—of the Great Powers on the domestic and foreign affairs of the country. His impartial interpretation of internal struggles over education, social legislation, and the widening of the franchise is peculiarly significant because of the similarity to contemporary agitation along parallel lines in England. Likewise his exposition of the Dutch attitude toward the Indies is striking. Holland, no less than England, has her problems in dealing with peoples incapable of complete self-government, but is ready to go as far as possible in reconciling popular aspirations for self-government with the efficient paternalism that has made Insulinde the model colony of the world and an example for England to follow.

"Before Mr. Montagu in England framed his Government of India Act the Netherlands Government instituted a *Volksraad* by act of December 16, 1916. . . . The wisdom of Holland's liberal policy with regard to the natives was put to a test by the World War, and the comparative ease with which the government in Batavia overcame the difficulties of that anxious period proved the soundness of its new regime." (Pp. 242, 252.)

In dealing with the troubles of Holland during the World War, Barnouw presents sympathetically the attitude of the Netherlands Government, and has grasped accurately and interpreted succinctly the real issues at stake. One does not have to read the Orangebooks and Whitebooks of protracted discussions to get at the fundamental questions; Barnouw has sketched Holland's role in the great crisis with strokes befitting a Raemakers. Finally, it is his task to show Holland's real leadership in the Flemish cultural revival, and to point out the new tasks of international importance to which the creation of the League of Nations has summoned his country.

The more detailed study of the colonial domain which Mr. Torchiana has made is a valuable appreciation and estimate of the workings of the government of Insulinde. Straightforwardly he depicts the evolution of a policy which gained that great colonial domain for Holland, first, under the Dutch East India Company, and then under the Netherlands Government itself. Here again the parallelism between English control in India and that of the Dutch in Insulinde is manifest, both with regard to the scrupulous fairness of administration and the consideration for the welfare of the natives which, in principle, actuates both governments. Nevertheless, it is the Dutch administrator, specially trained in native law and religion, friendly and courteous, and slow to have recourse to military force, in whose favor the scales of comparison incline. Insulinde may not have her sumptuous Durbars, but she has no

Amritsar "crawling orders" to her discredit. Torchiana concludes his survey of "Tropical Holland" with the statement that "Insulinde today provides a shining example of good white man's government among a native population. Insulinde of tomorrow is bound to become a still more brilliant star in the constellation of colonial governments."

MALBONE W. GRAHAM.

University of Texas.

In Mr. Oscar S. Strauss' *Under Four Administrations* (Houghton, Mifflin Company, 1923) is presented an account of the participation of the author in the work of four presidential administrations: Cleveland, McKinley, Roosevelt and Taft. It is written with serenity of outline and kindliness of feeling, and will sound strange in the ears of one used to latter-day acrimony and invective in matters of a national scope. The author's close contact with important personages, both as ambassador and as cabinet members, gives his description of persons and events historical interest and his semi-intimate account of many things lends charm to the narrative.

M. S. H.

Within a few years *An Introduction to the Study of Sociology* (University of Chicago Press, 1922) by Professor Robert E. Park and Ernest W. Burgess will be accepted as the standard text in sociology. The reason for this is that it contains the necessary elements for text purposes. It is comprehensive—over a thousand pages. It covers the field by means of excerpts from an enormous number of writers, thereby giving the student familiarity with practically all the writers in the field of sociology. Finally, it presents the subject from the angle of social psychology, particularly as developed in the categories of Professor Thomas. It is well supplied with a bibliographical apparatus and gives a series of questions as well as topics for discussion and for written work.

M. S. H.

The excellent elementary treatment of the economic side of the government of the United States contained in Young's *The New American Government and Its Work* (The Macmillan Co.) has been brought up to date in the revision of 1923. While the author has followed the main plan of the original edition, the revision has been thoroughly made; and all of that group of important cases arising between 1915 and 1923 out of the extension of government control over business have been included. In a chapter of "Some Unsolved Problems" appearing for the first time in the new edition questions arising from the steady centralization of government in the United States, the subsidy policy, the increasing regulation of business, and the growing demand for emphasis upon the productive,

or non-military, side of government are considered. Chapters on local government and international government fill a gap left in the first edition; but the unfortunate fact that space limitations compel the treatment of the structural side of government in a very summary manner deprives the book of much of its utility as a text for an introductory course in American government. Nevertheless, for collateral use in the social and economic phases of government and as a guide to the business man interested in the latest developments relating to his business, the book has a very useful place.

I. S.

Achille Viallate's *Economic Imperialism* (The Macmillan Co., 1923) is a discussion of the effects of the Commercial Revolution of the sixteenth and seventeenth centuries and the Industrial Revolution of the eighteenth and nineteenth centuries upon society, from the point of view of both nationalism and internationalism. The author shows how these economic revolutions have tended to unite the world into national groups and then to tie these groups together by a system of international economics.

As a study of the game of expansion and imperialism, it is a thoroughly orthodox product. It breaks no new ground. It is a sort of generalization and is, therefore, good reading for the layman.

C. P. P.

When Dr. E. J. Dillon wrote his book entitled *President Obregon—A World Reformer* (Small, Maynard Company, 1923) he apparently had two objects in view. One was to put Obregon in the best possible light before the world; the other was to use our state department as a foil to help emphasize the great qualities of his hero. The author makes Obregon the leader of a moral and ethical program as opposed to the old order of interstate and domestic relations based on legal, political, and selfishly national considerations. He depicts our state department, carefully managed by Wall Street, as the chief exponent of the latter. The book contains some interesting sidelights on the character and work of Obregon, but one is forced to conclude that the author fails to establish his claim that Obregon is a world reformer. In his treatment of the expansion of the United States the author is manifestly prejudiced against this country. That our policies have been and are subject to serious question is freely admitted; that our methods and purposes have at all times been thoroughly diabolical is hardly to be conceded. The author allows his journalistic bent and evident prejudices to run wild in such remarkable statements as the following: "Today Cuba is an adjunct of the United States and bitterly deplores its separation from Spain." The latter part is certainly open to

question, and the first part is subject to qualification. All in all, the book is interesting and thought-provoking but is scarcely to be styled judicious.

C. T.

The purpose of *The Making of the Western Mind* (George H. Doran Company, New York, 1923) is much better indicated by its subtitle, for the authors, Mr. F. M. Stawell and Mr. F. S. Marvin, seem to have very little of the present day adulation of the mystic concept "mind." On the other hand they have furnished us with a "short survey of European culture" which, within its limits, is very well done. Mr. Stawell (he having written all except three chapters of the book) writes as one who has a personal knowledge and appreciation of the works with which he is dealing. Almost the only objections that could be made to the book hinge around questions of the inclusion or exclusion of particular events of writers, and there will, of course, always be much room to differ, particularly in a work which covers an enormous field in such short space. The work is divided into four books dealing with ancient, medieval, renaissance, and modern culture. The greatest stress is upon movements in literature, science and philosophy but social scientists will find it an admirable work to aid in securing a background for an appreciative study of any of the social sciences.

With a foundation of much learning, particularly in medieval history, an ontological dualism, a faculty psychology, and a theologico-great man interpretation of history, Mr. Henry Osborne Taylor presents to the world his *Freedom of the Mind in History* (Macmillan, London, 1923). After a preliminary chapter which he calls "Considerations," he takes up in successive chapters the influence of free will in political, philosophical, religious, scientific, artistic, and literary development. Mr. Taylor's thesis is, in brief, that although the development of human society may have been determined in part by circumstances or conditions which man had no part in shaping, man's will or "mind" has been to some extent free and that progress (the increase of human well-being) is "the achievement of human faculty and the divine power . . . the unfolding of the free energies of the human mind empowered and sustained by the creative and loving mind of God." To one who agrees with his premises, his conclusions will probably be quite satisfactory; to others his illustrations from history will probably seem to illustrate the inadequacy of the time-honored opinion which he holds, and, to quote Mr. Taylor, "the insufficiency of my arguments and the inclusiveness of my proofs." He does not even attempt to show that the great men upon whose work he bases his illustrations of the free exercise of the mind were not themselves determined by their environment.

In spite of the fact that the recent trend of study in human nature has been toward the consideration of personality—the human product of the socializing process—the sociologist has made little contribution along this line. Scientific inquiry into the nature and problems of personality has been done largely by psychologists and psychiatrists

and more recently by the psychoanalysts. However, the researches of these men have been directed almost entirely to an understanding of the maladies of personality and to the mental conflicts, repressions, and so on that influence the development of the personality, while the objective aspects of personality and the character problems of normal human beings remain almost wholly unexplored by the scientific student of human nature. It is gratifying, therefore, to find such a book as Ernest R. Groves' *Personality and Social Adjustment* (Longmans, 1923) which attempts in a simple, attractive style to touch the fringes of the tremendous realm of normal human conduct from the viewpoint of a sociologist.

Professor Groves has little original contribution to make to "the new understanding of human conduct" but he has rendered a service to parents and teachers and other people who are interested in children—developing personalities—by blazing a trail—to use his expression—through the maze of material that has accumulated out of the researches that have been made. The author presents a valuable bibliography for the guidance of readers who wish to investigate farther into the rapidly growing science of human nature.

W. E. G.

To those to whom Fascismo and its living incarnation, Benito Mussolini, represent an anomalous phenomenon in Italian affairs, the work of Barone di San Severino on *Mussolini as Revealed in His Political Speeches* (E. P. Dutton & Company) will be most illuminating. One does not have to go far into the ringing speeches of this leader of the new Italian nationalism to note wherein lies his remarkable power of carrying his audiences, of whatever character, with him. First there is a picture of Mussolini the "Socialist" after his expulsion from the party following the outbreak of the war in 1914, then a series of glimpses of him as the militant partizan of Italian intervention, the wounded hero of the Carso, arousing the war-wearied masses after the disaster of Caporetto, as the leader of Fascismo in its uphill struggle for power, and finally as the universally acclaimed savior of a resurgent Italy from the nefarious influences of unrest and threatened social revolution. One need not agree with the views of forcefully profounded to feel even in the cold type of the printed page the warmth and ardor of the devotion of Mussolini to the Italy that is yet to be. The speeches cover virtually every phase of foreign and domestic policy; they also throw a clear light on the scope of Fascismo's appeal to the Italian populace. The following extract is indicative:

"Democracy has taken 'elegance' from the lives of the people, but Fascismo brings it back; that is to say, it brings back color, force, picturesqueness, the unexpected, mysticism, and in fact all that counts in the souls of the multitude. We play upon every chord of the lyre, from violence to religion, from art to politics. We are politicians and we are warriors. We are syndicalists and we also fight battles in the streets and the squares. That is Fascismo as it was conceived at Milan and as it was and is realized."
(168.)

**STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS
OF AUGUST 24, 1912,**

Of Southwestern Political and Social Science Quarterly published quarterly at Austin, Texas, for October 1, 1923,

State of Texas.
County of Travis.

Before me, a notary public in and for the State and County aforesaid, personally appeared Herman G. James, who, having been duly sworn according to law, deposes and says that he is the editor of the Southwestern Political and Social Science Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, Southwestern Political and Social Science Association, Austin, Texas.

Editor, Herman G. James, Austin, Texas.

Managing Editor, Herman G. James, Austin, Texas.

Business Managers, none.

2. That the owners are: (Give names and addresses of individual owners, or, if a corporation, give its name and the names and addresses of stockholders owning or holding 1 per cent or more of the total amount of stock.)

Southwestern Political and Social Science Association, an unincorporated association.

The officers of the Southwestern Political and Social Science Association are: E. R. Cockrell, President, and Frank M. Stewart, Secretary-Treasurer.

3. That the known bondholders, mortgages, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)

None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

HERMAN G. JAMES.

Sworn to and subscribed before me this 11th day of October, 1923.

E. R. CORNWELL.

(My commission expires May 31, 1925.)

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